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Publications

Canada. Parliament. House of Commons
Standing Committee on Labour, manpower
and immigration

Minutes of proceedings and
evidence

1968/69 28 Parl. 1st sess.

261
HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

PROCEEDINGS

No. 1 - 12 (1968/69)

LIBRARY THURSDAY, OCTOBER 17, 1968

NOV - 6 1968

UNIVERSITY OF TORONTO

INCLUDING

Appendix A: Estimates of Department of Manpower and Immigration
(including Immigration Appeal Board)

Appendix B: Estimates of Unemployment Insurance Commission

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968



STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance

and

Messrs.

Alexander,
Breau,
Broadbent,
Dumont,
Knowles (Norfolk-
Haldimand),
Knowles (Winnipeg
North Centre),

Loiselle,
MacEwan,
McNulty,
Muir (Cape Breton-
The Sydneys),
Murphy,
Otto,

Paproski,
Reid,
Roy (Timmins),
Thompson (Red Deer),
Turner (London East),
Whiting—20.

Dorothy F. Ballantine,
Acting Clerk of the Committee.

ORDERS OF REFERENCE

HOUSE OF COMMONS,
TUESDAY, October 8, 1968.

Resolved,—That the following Members do compose the Standing Committee on Labour, Manpower and Immigration:

Messrs.

Alexander,	Knowles (<i>Winnipeg</i>	Murphy,
Broadbent,	<i>North Centre</i>),	Otto,
Caccia,	Lachance,	Paproski,
Deachman,	Loiselle,	Reid,
Dumont,	MacEwan,	Thompson (<i>Red Deer</i>),
Duquet,	McNulty,	Turner (<i>London East</i>),
Knowles (<i>Norfolk-</i>	Muir (<i>Lisgar</i>),	Whiting—(20).
<i>Haldimand</i>),		

WEDNESDAY, October 9, 1968.

Ordered,—That the name of Mr. Muir (Cape Breton-The Sydneys) be substituted for that of Mr. Muir (Lisgar), on the Standing Committee on Labour, Manpower and Immigration.

THURSDAY, October 10, 1968.

Ordered,—That the name of Mr. Prud'homme be substituted for that of Mr. Duquet on the Standing Committee on Labour, Manpower and Immigration.

TUESDAY, October 15, 1968.

Ordered,—That the name of Mr. Roy (*Timmins*) be substituted for that of Mr. Whiting on the Standing Committee on Labour, Manpower and Immigration.

WEDNESDAY, October 16, 1968.

Ordered,—That the names of Messrs. Whiting and Breau be substituted for those of Messrs. Deachman and Prud'homme on the Standing Committee on Labour, Manpower and Immigration.

WEDNESDAY, October 16, 1968.

Ordered,—That, saving always the powers of the Committee of Supply in relation to the voting of public moneys, the items listed in the Revised Main Estimates for 1968-69, relating to the Immigration Appeal Board, Manpower and Immigration and the Unemployment Insurance Commission, be withdrawn from the Committee of Supply and referred to the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER
The Clerk of the House of Commons

MINUTES OF PROCEEDINGS

THURSDAY, October 17, 1968.

(1)

The Standing Committee of Labour, Manpower and Immigration met at 9.36 a.m. this day for purposes of organization.

Members present: Messrs. Alexander, Breau, Caccia, Knowles (*Norfolk-Haldimand*), Knowles (*Winnipeg North Centre*), Lachance, Loiselle, MacEwan, McNulty, Murphy, Otto, Paproski, Reid, Roy (*Timmins*), Thompson (*Red Deer*), Turner (*London East*), Whiting—(17).

The Committee Clerk attending and having called for nominations, Mr. Loiselle, seconded by Mr. Turner (*London East*) moved that Mr. Caccia do take the Chair of this Committee as Chairman.

On motion of Mr. Reid, seconded by Mr. Whiting,
Resolved,—That nominations be closed.

Mr. Caccia, having been declared elected Chairman, took the Chair and thanked the members.

Mr. McNulty moved, seconded by Mr. Roy (*Timmins*), that Mr. Lachance be elected Vice-Chairman of this Committee.

On motion of Mr. Knowles (*Winnipeg North Centre*), seconded by Mr. Knowles (*Norfolk-Haldimand*),
Resolved,—That nominations be closed.

The Chairman thereupon declared Mr. Lachance elected as Vice-Chairman of this Committee.

On motion of Mr. Thompson, seconded by Mr. Alexander,
Resolved,—That this Committee print 750 copies in English and 350 copies in French of the Minutes of Proceedings and Evidence.

On motion of Mr. Thompson, seconded by Mr. Alexander,
Resolved,—That the items listed in the Revised Main Estimates for 1968-69 relating to the Department of Manpower and Immigration, the Immigration Appeal Board and the Unemployment Insurance Commission be printed as appendices in Issue No. 1 of the Proceedings of this Committee.

On motion of Mr. Loiselle, seconded by Mr. Thompson,
Resolved,—That the Sub-Committee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and three other members appointed by the Chairman.

After consultation with the party representatives present, the Chairman named Messrs. Thompson, Knowles (*Winnipeg North Centre*), and Dumont to the Sub-Committee on Agenda and Procedure. He asked them and the Vice-Chairman to remain for a short meeting of the Sub-Committee following adjournment of the main committee.

At 9.55 a.m. the Committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Acting Clerk of the Committee.

APPENDIX "A"**MANPOWER AND IMMIGRATION****REVISED ESTIMATES, 1968-69**

MANPOWER AND IMMIGRATION

No. of Vote	Service	1968-69	1967-68	Change	
				Increase	Decrease
		\$	\$	\$	\$
	A—DEPARTMENT				
(S)	Minister of Manpower and Immigration— Salary and Motor Car Allowance (Details, page 298).....	17,000	17,000		
	DEPARTMENTAL ADMINISTRATION				
1	Administration, Operation and Maintenance (Details, page 298).....	4,771,300	4,206,600	564,700	
	DEVELOPMENT AND UTILIZATION OF MANPOWER				
5	Administration, Operation and Maintenance, in- cluding the administration of the Manpower Mobility Regulations and payments in re- spect of persons who are being afforded oc- cupational training under the Adult Occupa- tional Training Act (Details, page 299).....	154,449,000	73,635,000	80,814,000	
10	Grants, Contributions and Subsidies in accord- ance with the terms and conditions specified in the sub-vote titles listed in the Details of the Estimates (Details, page 304).....	204,435,000	231,825,000		27,390,000
—	Appropriations not required for 1968-69 (De- tails, page 306).....		5,000,001		5,000,001
		358,884,000	310,460,001	48,423,999	
	IMMIGRATION				
15	Administration, Operation and Maintenance, including trans-oceanic and inland transporta- tion and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$36,000 for grants to Immigrant Welfare Organiza- tions (Details, page 307).....	23,692,000	20,641,000	3,051,000	
	PROGRAM DEVELOPMENT				
20	Administration, Operation and Maintenance (Details, page 310).....	5,522,600	3,271,300	2,251,300	
25	Grants, Contributions and Subsidies as detailed in the Estimates (Details, page 315).....	775,000	135,000	640,000	
		6,297,600	3,406,300	2,891,300	

No. of Vote	Service	1968-69	1967-68	Change	
				Increase	Decrease
		\$	\$	\$	\$
	A—DEPARTMENT (Continued)				
	SUMMARY				
	To be voted.....	393,644,900	338,713,901	54,930,999	
	Authorized by Statute.....	17,000	17,000		
		393,661,900	338,730,901	54,930,999	
	B—IMMIGRATION APPEAL BOARD				
30	Administration, Operation and Maintenance (Details, page 316).....	588,000	311,000	277,000	

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT		
		Approximate Value of Major Services not Included in these Estimates		
		Accommodation (provided by the Department of Public Works).....	5,751,000	2,183,000
		Accommodation (in this Department's own buildings)...	20,000	20,000
		Accounting and cheque issue services (Comptroller of the Treasury).....	1,469,700	568,300
		Contributions to Superannuation Account (Treasury Board).....	4,322,300	3,022,000
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)....	641,000	461,200
		Employee surgical-medical insurance premiums (Treas- ury Board).....	144,900	296,600
		Employee compensation payments (Department of Labour).....	58,600	53,300
		Carrying of franked mail (Post Office Department).....	101,400	62,200
			12,508,900	6,666,600
		Statutory—Minister of Manpower and Immigra- tion—Salary and Motor Car Allowance		
		Salary.....(1)	15,000	15,000
		Motor Car Allowance.....(1)	2,000	2,000
			17,000	17,000
		DEPARTMENTAL ADMINISTRATION		
		Vote 1—Administration, Operation and Maintenance		
		Salaried Positions:		
		Executive, Scientific and Professional:		
		Deputy Minister (\$28,750)		
		Senior Officer 2 (\$18,500-\$23,500)		
		Senior Officer 1 (\$16,500-\$21,250)		
		Administrative and Foreign Service:		
		(\$18,000-\$21,000)		
		(\$16,000-\$18,000)		
		(\$14,000-\$16,000)		
		(\$12,000-\$14,000)		
		(\$10,000-\$12,000)		
		(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		Technical, Operational and Service:		
		(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
		(Under \$4,000)		
		Administrative Support:		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
		(Under \$4,000)		
1	1			
1				
1	5			
5	2			
8	1			
6	12			
25	10			
35	30			
86	67			
6	65			
1				
4				
12	10			
3	11			
32	88			
203	181			
50				
479	483			
(479)	(483)			
		Salaries.....(1)	3,328,000	3,040,000
		Overtime.....(1)	34,900	71,200
		Living and Other Allowances.....(1)	7,500	33,100
		Travelling and Removal Expenses.....(2)	197,000	162,600

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEPARTMENTAL ADMINISTRATION (Continued)		
		Vote 1 (Continued)		
		Freight, Express and Cartage..... (2)	11,400	10,300
		Postage..... (2)	9,000	3,400
		Telephones, Telegrams and other Communication Services..... (2)	88,000	42,700
		Publication of Departmental Reports and other Material..... (3)	136,000	13,000
		Exhibits, Advertising, Broadcasting and Displays (3)	101,000	148,000
		Professional and Special Services..... (4)	441,000	413,000
		Rental of Equipment..... (5)	132,300	52,000
		Repairs and Upkeep of Equipment..... (6)	15,800	11,000
		Office Stationery, Supplies and Equipment..... (7)	220,700	162,000
		Acquisition of Equipment..... (9)	31,700	32,000
		Sundries..... (12)	17,000	12,300
			4,771,300	4,206,600
		Expenditure		
		1965-66..... \$.....		
		1966-67..... 2,536,184		
		1967-68 (estimated)..... 4,000,000		
		DEVELOPMENT AND UTILIZATION OF MANPOWER		
		Vote 5—Administration, Operation and Maintenance, including the administration of the Manpower Mobility Regulations and payments in respect of persons who are being afforded occupational training under the Adult Occupational Training Act		
		ADMINISTRATION		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 3 (\$20,500-\$25,750)		
3	4	Senior Officer 2 (\$18,500-\$23,500)		
4	5	Senior Officer 1 (\$16,500-\$21,250)		
	1	(\$12,000-\$14,000)		
		Administrative and Foreign Service:		
8	7	(\$16,000-\$18,000)		
20	26	(\$14,000-\$16,000)		
53	57	(\$12,000-\$14,000)		
100	126	(\$10,000-\$12,000)		
25	31	(\$8,000-\$10,000)		
11	12	(\$6,000-\$8,000)		
8	8	(\$4,000-\$6,000)		
		Technical, Operational and Service:		
6	6	(\$4,000-\$6,000)		
1	3	(Under \$4,000)		
		Administrative Support:		
19	18	(\$6,000-\$8,000)		
190	230	(\$4,000-\$6,000)		
28	38	(Under \$4,000)		
477 (466)	573 (573)	Salaries..... (1)	3,294,000	5,472,100
		Overtime..... (1)	15,500	19,400

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
A-DEPARTMENT (Continued)				
DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)				
Vote 5 (Continued)				
ADMINISTRATION (Continued)				
		Unemployment Insurance Contributions.....(1)	1,500	1,800
		Travelling and Removal Expenses.....(2)	755,000	449,400
		Freight, Express and Cartage.....(2)	25,000	9,700
		Postage.....(2)	350,000	289,300
		Telephones, Telegrams and other Communication Services.....(2)	172,000	61,300
		Publication of Departmental Reports and other Material.....(3)	31,000	14,000
		Exhibits, Advertising, Broadcasting and Displays.....(3)	285,000	
		Professional and Special Services.....(4)	195,000	230,900
		Rental of Buildings, Works and Land.....(5)	3,000	
		Rental of Equipment.....(5)	92,000	
		Repairs and Upkeep of Equipment.....(6)	10,000	
		Office Stationery, Supplies and Equipment.....(7)	961,000	200,000
		Construction or Acquisition of Equipment and Fur- nishings.....(9)	294,000	168,600
		Sundries.....(12)	21,000	13,600
			6,505,000	6,930,100
			Expenditure	
		1965-66.....	\$	
		1966-67.....	5,785,000	
		1967-68 (estimated).....	5,764,000	
EMPLOYMENT SERVICES				
Salaried Positions:				
		Executive, Scientific and Professional:		
		(\$10,000-\$12,000)		
		(\$8,000-\$10,000)		
		Administrative and Foreign Service:		
		(\$16,000-\$18,000)		
		(\$14,000-\$16,000)		
		(\$12,000-\$14,000)		
		(\$10,000-\$12,000)		
		(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
		Administrative Support:		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
		(Under \$4,000)		
3	3			
2	2			
1	1			
12	12			
78	75			
204	196			
2,453	2,363			
656	632			
210	202			
57	55			
1,460	1,408			
446	430			
5,582	5,379			
(5,465)	(5,379)			
		Salaries.....(1)	36,832,000	28,731,000
		Overtime.....(1)	73,000	71,000
		Living and Other Allowances.....(1)	35,000	33,300
		Unemployment Insurance Contributions.....(1)	17,000	16,900
		Travelling and Removal Expenses.....(2)	708,000	470,200
		Freight, Express and Cartage.....(2)	25,000	12,400
		Postage.....(2)	34,000	30,500
		Telephones, Telegrams and other Communication Services.....(2)	948,000	863,800

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 5 (Continued)		
		EMPLOYMENT SERVICES (Continued)		
		Publication of Departmental Reports and other		
		Material..... (3)	93,000	109,700
		Exhibits, Advertising, Broadcasting and Displays.. (3)	190,000	325,900
		Professional and Special Services..... (4)	160,000	129,600
		Rental of Buildings, Works and Land..... (5)	12,000	10,700
		Rental of Equipment..... (5)	43,000	8,300
		Repairs and Upkeep of Buildings and Works..... (6)	3,000	2,800
		Repairs and Upkeep of Equipment..... (6)	17,000	5,000
		Office Stationery, Supplies and Equipment..... (7)	262,000	297,100
		Municipal or Public Utility Services..... (7)	3,000	2,500
		Materials and Supplies..... (7)	2,000	2,000
		Construction or Acquisition of Equipment and Fur- nishings..... (9)	288,000	200,000
		Sundries..... (12)	7,000	12,800
			39,752,000	31,335,500
		Expenditure		
		1965-66..... \$		
		1966-67..... 27,173,000		
		1967-68 (estimated)..... 32,890,000		
		OCCUPATIONAL TRAINING FOR ADULTS		
		Salaried Positions:		
177	150	Administrative and Foreign Service: (\$8,000-\$10,000)		
236	200	Administrative Support: (\$4,000-\$6,000)		
118	100	(Under \$4,000)		
531 (520)	450 (450)	Salaries..... (1)	3,647,000	1,650,000
		Travelling and Removal Expenses..... (2)	177,000	100,000
		Postage..... (2)	35,000	30,000
		Telephones, Telegrams and other Communication Services..... (2)	127,000	90,000
		Publication of Departmental Reports and other Material..... (3)	100,000	
		Exhibits, Advertising, Broadcasting, Films and Displays..... (3)	60,000	250,500
		Professional and Special Services..... (4)	237,000	350,000
		Purchase of Training..... (4)	103,115,000	31,000,000
		Office Stationery, Supplies and Equipment..... (7)	233,000	180,000
		Sundries..... (12)	10,000	
			107,741,000	33,650,500
		Expenditure		
		1965-66..... \$		
		1966-67.....		
		1967-68 (estimated)..... 48,217,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 5 (Continued)		
		CO-OPERATION WITH THE PROVINCES IN THE VOCATIONAL REHABILITATION OF DISABLED PERSONS		
		Salaried Positions:		
		Administrative and Foreign Service:		
1	1	(\$16,000-\$18,000)		
1	2	(\$14,000-\$16,000)		
2	3	(\$12,000-\$14,000)		
3	4	(\$10,000-\$12,000)		
1	1	(\$8,000-\$10,000)		
1	1	(\$6,000-\$8,000)		
		Administrative Support:		
1	1	(\$6,000-\$8,000)		
5	7	(\$4,000-\$6,000)		
2	3	(Under \$4,000)		
17	23			
(16)	(23)			
		Salaries.....(1)	120,000	193,200
		Travelling and Removal Expenses.....(2)	20,000	18,500
		Freight, Express and Cartage.....(2)	1,700	500
		Postage.....(2)	400	300
		Telephones, Telegrams and other Communication Services.....(2)	4,900	4,000
		Publication of Departmental Reports and other Material.....(3)	20,000	50,000
		Exhibits, Advertising, Broadcasting and Displays....(3)	20,000	70,000
		Professional and Special Services.....(4)	81,000	79,500
		Repairs and Upkeep of Equipment.....(6)	1,000	
		Office Stationery, Supplies and Equipment.....(7)	2,000	5,000
		Construction or Acquisition of Equipment and Furnishings.....(9)	1,000	500
			272,000	421,500
		Expenditure		
		1965-66.....\$ 145,578		
		1966-67.....184,000		
		1967-68 (estimated).....269,000		
		EMPLOYMENT STABILIZATION		
		Salaried Positions:		
		Administrative and Foreign Service:		
1		(\$16,000-\$18,000)		
3	1	(\$14,000-\$16,000)		
	2	(\$10,000-\$12,000)		
3	3	(\$8,000-\$10,000)		
		Administrative Support:		
5	7	(\$4,000-\$6,000)		
1	2	(Under \$4,000)		
13	15			
(13)	(15)			
		Salaries.....(1)	110,000	103,000
		Travelling and Removal Expenses.....(2)	5,000	6,000
		Freight, Express and Cartage.....(2)	600	500
		Postage.....(2)	300	100

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 5 (Continued)		
		EMPLOYMENT STABILIZATION (Continued)		
		Telephones, Telegrams and other Communication Services.....(2)	4,500	1,500
		Publication of Departmental Reports and other Material.....(3)		15,000
		Exhibits, Advertising, Broadcasting and Displays ... (3)	50,000	375,000
		Professional and Special Services.....(4)	2,000	
		Office Stationery, Supplies and Equipment.....(7)	6,100	5,300
		Construction or Acquisition of Equipment and Fur- nishings.....(9)	500	700
			170,000	507,100
		Expenditure		
		1965-66.....\$.....		
		1966-67.....408,000		
		1967-68 (estimated).....487,000		
		ITEM NOT REQUIRED FOR 1968-69		
		Co-operation with the Provinces in Technical and Vocational Training		
		Salaried Positions:		
		Administrative and Foreign Service:		
	1	(\$16,000-\$18,000)		
	10	(\$14,000-\$16,000)		
	22	(\$12,000-\$14,000)		
	1	(\$10,000-\$12,000)		
		Administrative Support:		
	1	(\$6,000-\$8,000)		
	17	(\$4,000-\$6,000)		
	52			
	(52)	Salaries.....(1)		512,800
		Overtime.....(1)		2,000
		Travelling and Removal Expenses.....(2)		90,000
		Freight, Express and Cartage.....(2)		2,500
		Postage.....(2)		1,000
		Telephones, Telegrams and other Communication Services.....(2)		8,500
		Publication of Departmental Reports and other Material.....(3)		80,000
		Office Stationery, Supplies, Equipment and Furnish- ings.....(7)		18,000
		Sundries.....(12)		75,500
				790,300
		Expenditure		
		1965-66.....\$ 687,527		
		1966-67.....733,000		
		1967-68 (estimated).....790,000		
		Total, Vote 5.....	154,449,000	73,635,000

REVISED ESTIMATES, 1968-69

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 5 (Continued)		
		Expenditure		
		1965-66..... \$ 833,105		
		1966-67..... 34,263,000		
		1967-68 (estimated)..... 88,417,000		
		Vote 10—Grants, Contributions and Subsidies in accordance with the terms and conditions spec- ified in the sub-vote titles listed in the Details of the Estimates		
		PAYMENTS TO PROVINCES UNDER AGREEMENTS EN- TERED INTO WITH THE PROVINCES BY THE MINISTER OF MANPOWER AND IMMIGRATION WITH THE AP- PROVAL OF THE GOVERNOR IN COUNCIL FOR THE ORGANIZATION AND USE OF WORKERS FOR FARMING AND RELATED INDUSTRIES, INCLUDING UNDIS- CHARGED COMMITMENTS UNDER PREVIOUS AGREE- MENTS.....(10)	250,000	325,000
		Expenditure		
		1965-66..... \$ 125,630		
		1966-67..... 119,000		
		1967-68 (estimated)..... 121,000		
		PAYMENTS IN ACCORDANCE WITH AGREEMENTS EN- TERED INTO WITH THE APPROVAL OF THE GOVERNOR IN COUNCIL BY THE MINISTER OF MANPOWER AND IMMIGRATION WITH PROVINCES, EMPLOYERS AND WORKERS IN RESPECT OF LABOUR MOBILITY AND ASSESSMENT INCENTIVES.....(10)	300,000	300,000
		Expenditure		
		1965-66..... \$ 36,880		
		1966-67..... 88,000		
		1967-68 (estimated)..... 168,000		
		GRANTS, IN ACCORDANCE WITH REGULATIONS APPROVED BY THE GOVERNOR IN COUNCIL, TO OR IN RESPECT OF PERSONS WHO ARE MOVED FROM ONE PLACE IN CANADA TO ANOTHER PLACE IN CANADA IN CON- NECTION WITH THE MANPOWER MOBILITY PRO- GRAM.....(10)	6,000,000	5,000,000
		Expenditure		
		1965-66..... \$ 48,504		
		1966-67..... 931,000		
		1967-68 (estimated)..... 4,938,000		
		PAYMENT OF TRAINING ALLOWANCES UNDER SECTIONS 7, 8 AND 9 OF THE ADULT OCCUPATIONAL TRAINING ACT TO OR IN RESPECT OF PERSONS WHO ARE BEING AFFORDED OCCUPATIONAL TRAINING UNDER THE ADULT OCCUPATIONAL TRAINING ACT.....(10)	113,985,000	84,000,000

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 10 (Continued)		
		PAYMENT OF TRAINING ALLOWANCES (Continued)		
		Expenditure		
		1965-66..... \$		
		1966-67.....		
		1967-68 (estimated)..... 62,000,000		
		PAYMENTS UNDER AGREEMENTS ENTERED INTO WITH THE PROVINCES BY THE MINISTER OF MANPOWER AND IMMIGRATION WITH THE APPROVAL OF THE GOVERNOR IN COUNCIL PURSUANT TO SECTION 21 OF THE ADULT OCCUPATIONAL TRAINING ACT FOR CAPITAL ASSISTANCE IN THE PROVISION OF TRAINING FACILITIES..... (10)	80,000,000	120,500,000
		Expenditure		
		1965-66..... \$104,102,685		
		1966-67..... 136,198,000		
		1967-68 (estimated)..... 120,500,000		
		PAYMENTS TO CARRY OUT THE PURPOSES OF THE VOCATIONAL REHABILITATION OF DISABLED PERSONS ACT AND AGREEMENTS MADE THEREUNDER, INCLUDING UNDISCHARGED COMMITMENTS UNDER PREVIOUS AGREEMENTS..... (10)	3,900,000	1,700,000
		Expenditure		
		1965-66..... \$ 843,667		
		1966-67..... 1,025,000		
		1967-68 (estimated)..... 1,700,000		
		ITEM NOT REQUIRED FOR 1968-69		
		Payments to Provinces—to authorize payments in accordance with agreements entered into by the Minister, with the approval of the Governor in Council, with any province with whom the Minister entered into an agreement pursuant to Section 3 of the Technical and Vocational Training Assistance Act (hereinafter referred to as the "former agreement"), to provide for the payment by Canada of contributions in respect of costs incurred by the province in the period commencing 1 April, 1967 and ending 31 March, 1968 or such earlier date as may be determined or prescribed in the agreement, in providing training to persons being trained on 31 March, 1967, under any program operated under the former agreement, and to make payments to provinces to carry out the purposes of the Training Allowance Act, 1966 and agreements made thereunder, including undischarged com- mitments under previous agreements under the Technical and Vocational Training Assistance Act, and the Training Allowance Act, 1966..... (10)		50,000,000

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		DEVELOPMENT AND UTILIZATION OF MANPOWER (Continued)		
		Vote 10 (Continued)		
		Total, Vote 10.....	204,435,000	231,825,000
		Expenditure		
		1965-66..... \$153,816,224		
		1966-67..... 223,578,000		
		1967-68 (estimated)..... 264,319,000		
		Appropriations not required for 1968-69		
		To deem for purposes of the Public Service Super- annuation Act and the Public Service Terms and Conditions of Employment Regulations that Mrs. Mina Popovich was, from January 11, 1957 to October 16, 1961, inclusive, employed in the Public Service and on leave of absence with- out pay as if Order in Council P.C. 1957-53/626 of May 3, 1957, had not been passed.....(1)		1
		Payments in accordance with terms and conditions approved by the Governor in Council to Pro- vinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program dur- ing the 1967-68 and 1968-69 fiscal years of amounts not exceeding fifty per cent of the cost of labour incurred in a five-month period com- mencing either November 1 or December 1, 1967, as selected by the Province or Indian Band, and in the case of projects in designated areas within the meaning of the Department of Industry Act, sixty per cent of such cost; and to authorize payments in those fiscal years to Provinces in respect of previous Municipal Winter Works Incentive Programs.....(10)		5,000,000
				5,000,001

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
				\$
		A—DEPARTMENT (Continued)		
		IMMIGRATION		
		Vote 15—Administration, Operation and Maintenance, including trans-oceanic and inland transportation and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$36,000 for grants to Immigrant Welfare Organizations		
		ADMINISTRATION OF THE IMMIGRATION ACT		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 3 (\$20,500-\$25,750)		
1	1	Senior Officer 1 (\$16,500-\$21,250)		
		Administrative and Foreign Service:		
1	1	(\$16,000-\$18,000)		
3	2	(\$14,000-\$16,000)		
4	3	(\$12,000-\$14,000)		
7	7	(\$10,000-\$12,000)		
10	11	(\$8,000-\$10,000)		
12	13	(\$6,000-\$8,000)		
		Administrative Support:		
1		(\$8,000-\$10,000)		
14	15	(\$6,000-\$8,000)		
85	88	(\$4,000-\$6,000)		
21	24	(Under \$4,000)		
160 (157)	166 (166)	Salaries.....(1)	1,090,000	823,000
		Overtime.....(1)	9,000	5,000
		Travelling Expenses.....(2)	20,000	24,000
		Freight, Express and Cartage.....(2)	21,000	300
		Postage.....(2)	21,000	21,000
		Telephones and Telegrams.....(2)	54,000	49,700
		Travelling and Other Expenses—Other than Staff... (2)	5,000
		Publication of Departmental Reports and other		
		Material.....(3)	400,000	400,000
		Exhibits, Advertising, Broadcasting and Displays.. (3)	300,000	1,800,000
		Professional and Special Services.....(4)	3,500	3,500
		Office Stationery, Supplies and Equipment.....(7)	81,000	92,000
		Sundries.....(12)	1,500	1,500
			2,001,000	3,225,000
		Expenditure		
		1965-66.....\$	2,562,462	
		1966-67.....	3,471,554	
		1967-68 (estimated).....	2,720,000	

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		IMMIGRATION (Continued)		
		Vote 15 (Continued)		
		FIELD AND INSPECTIONAL SERVICE, CANADA, INCLUDING \$36,000 FOR GRANTS TO IMMIGRANT WELFARE OR- GANIZATIONS		
		Salaried Positions:		
		Executive, Scientific and Professional:		
		Senior Officer 2 (\$18,500-\$23,500)		
		Administrative and Foreign Service:		
		(\$16,000-\$18,000)		
1	1	(\$14,000-\$16,000)		
6	3	(\$12,000-\$14,000)		
10	6	(\$10,000-\$12,000)		
16	12	(\$8,000-\$10,000)		
64	23	(\$6,000-\$8,000)		
498	61	Technical, Operational and Service:		
8	120	(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
55	4	(Under \$4,000)		
50	219	Administrative Support:		
8	197	(\$8,000-\$10,000)		
	51	(\$6,000-\$8,000)		
2		(\$4,000-\$6,000)		
326	346	(Under \$4,000)		
340	263	Prevailing Rate Positions:		
115	117	(Full Time)		
20	20			
1,519	1,443			
(1,490)	(1,443)			
		Salaries and Wages.....(1)	9,861,000	8,266,000
		Overtime.....(1)	310,000	300,000
		Living and Subsistence Allowances.....(1)	70,000	30,000
		Travelling and Removal Expenses.....(2)	443,000	528,000
		Freight, Express and Cartage.....(2)	12,000	9,000
		Postage.....(2)	36,000	36,000
		Telephones and Telegrams.....(2)	222,000	154,000
		Travelling Expenses—Deports.....(2)	262,000	210,000
		Professional and Special Services.....(4)	216,500	113,000
		Rental of Equipment.....(5)	20,700	20,000
		Repairs and Upkeep of Buildings and Works.....(6)	600	4,000
		Repairs and Upkeep of Equipment.....(6)	20,000	1,500
		Office Stationery, Supplies and Equipment.....(7)	139,500	94,500
		Materials and Supplies.....(7)	173,000	153,000
		Electricity and Gas.....(7)	100	2,000
		Construction or Acquisition of Equipment and Fur- nishings.....(9)	179,400	64,500
		Dormitory, Catering and other Equipment.....(9)	4,000	3,500
		Grants to Immigrant Welfare Organizations.....(10)	36,000	35,000
		Maintenance and Incidental Expenses—Deports.....(12)	56,700	26,000
		Sundries.....(12)	12,000	7,000
			12,074,500	10,057,000
		Expenditure		
		1965-66.....\$ 7,271,666		
		1966-67.....8,655,714		
		1967-68 (estimated).....10,157,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		IMMIGRATION (Continued)		
		Vote 15 (Continued)		
		FIELD AND INSPECTORIAL SERVICE, ABROAD		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 1 (\$16,500-\$21,250)		
7	3	Administrative and Foreign Service:		
3	2	(\$16,000-\$18,000)		
9	7	(\$14,000-\$16,000)		
121	57	(\$12,000-\$14,000)		
132	53	(\$10,000-\$12,000)		
8	67	(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
10	33	Administrative Support:		
15	25	(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
400	359	Local Assistance Abroad:		
		(Full Time)		
706	607	Salaries.....(1)	3,970,000	3,272,000
(693)	(607)	Terminable, Special and Other Allowances for		
		Administrative Staff Abroad.....(1)	1,126,000	1,011,000
		Payments to Foreign Governments—Locally En-		
		gaged Staff Benefits.....(1)	102,400	65,000
		Travelling and Removal Expenses.....(2)	698,100	705,000
		Freight, Express and Cartage.....(2)	164,000	47,000
		Postage.....(2)	157,000	143,000
		Telephones and Telegrams.....(2)	81,500	65,000
		Travel, Other than Staff.....(2)	15,000	15,000
		Professional and Special Services.....(4)	15,000	33,000
		Rental of Office Quarters.....(5)	537,700	357,000
		Rental of Office Equipment.....(5)	28,900	20,000
		Repairs and Upkeep of Office Quarters.....(6)	37,700	31,000
		Repairs and Upkeep of Equipment.....(6)	5,000	5,000
		Office Stationery, Supplies and Equipment.....(7)	190,600	106,000
		Materials and Supplies.....(7)	25,000	19,000
		Water, Electricity and Gas.....(7)	42,900	33,000
		Acquisition of Equipment and Furnishings.....(9)	160,700	154,000
		Sundries.....(12)	19,000	12,000
			7,361,500	6,093,000
		Expenditure		
		1965-66.....\$ 3,761,979		
		1966-67.....5,335,850		
		1967-68 (estimated).....6,090,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		IMMIGRATION (Continued)		
		Vote 15 (Continued)		
		TRANS-OCEANIC AND INLAND TRANSPORTATION AND OTHER ASSISTANCE FOR IMMIGRANTS AND SETTLERS, SUBJECT TO THE APPROVAL OF TREASURY BOARD, INCLUDING CARE EN ROUTE AND WHILE AWAITING EMPLOYMENT; AND PAYMENTS TO THE PROVINCES, PURSUANT TO AGREEMENTS ENTERED INTO, WITH THE APPROVAL OF THE GOVERNOR IN COUNCIL, IN RESPECT OF EXPENSES INCURRED BY THE PROV- INCES FOR INDIGENT IMMIGRANTS..... (10)	2,255,000	1,266,000
		Expenditure		
		1965-66..... \$ 672,747		
		1966-67..... 1,413,920		
		1967-68 (estimated)..... 2,766,000		
		Total, Vote 15.....	23,692,000	20,641,000
		Expenditure		
		1965-66..... \$ 14,268,854		
		1966-67..... 18,877,038		
		1967-68 (estimated)..... 21,733,000		
		PROGRAM DEVELOPMENT		
		Vote 20—Administration, Operation and Maintenance		
		ADMINISTRATION		
		Salaried Positions:		
1	1	Executive, Scientific and Professional: Senior Officer 3 (\$20,500-\$25,750)		
1	2	Administrative and Foreign Service: (\$16,000-\$18,000)		
1	1	(\$12,000-\$14,000)		
5	2	(\$10,000-\$12,000)		
	4	(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
2	2	Administrative Support: (\$6,000-\$8,000)		
5	4	(\$4,000-\$6,000)		
15	16			
(15)	(16)			
		Salaries..... (1)	105,300	126,500
		Overtime..... (1)	500	500
		Living and Other Allowances..... (1)	5,000	1,000
		Travelling and Removal Expenses..... (2)	6,300	8,000
		Postage..... (2)	200	200
		Telephones, Telegrams and other Communication Services..... (2)	4,600	2,400
		Rental of Equipment..... (5)	1,000	600
		Repairs and Upkeep of Equipment..... (6)	500	
		Office Stationery, Supplies and Equipment..... (7)	5,000	2,500
		Construction or Acquisition of Equipment and Furnishings..... (9)	1,200	3,500

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		PROGRAM DEVELOPMENT (Continued)		
		Vote 20 (Continued)		
		ADMINISTRATION (Continued)		
		Development of Special Manpower and Labour		
		Management Programs.....(12)	200,000	200,000
		Sundries.....(12)	4,400	3,800
			334,000	349,000
		Expenditure		
		1965-66.....\$.....		
		1966-67.....340,200		
		1967-68 (estimated).....349,000		
		ADVISORY COUNCIL AND LIAISON BRANCH		
		Salariéd Positions:		
	1	Executive, Scientific and Professional:		
		Senior Officer 1 (\$16,500-\$21,250)		
1		Administrative and Foreign Service:		
		(\$18,000-\$21,000)		
	1	(\$14,000-\$16,000)		
4	1	(\$12,000-\$14,000)		
1	3	(\$8,000-\$10,000)		
3	3	Administrative Support:		
		(\$4,000-\$6,000)		
9	9	Salaries.....(1)	80,000	86,600
(9)	(9)	Overtime.....(1)	200	
		Travelling and Removal Expenses.....(2)	31,500	32,300
		Telephones, Telegrams, and other Communication		
		Services.....(2)	1,600	1,100
		Professional and Special Services.....(4)	41,500	31,200
		Office Stationery, Supplies and Equipment.....(7)	3,600	2,400
		Construction or Acquisition of Equipment and Fur-		
		nishings.....(9)	2,000	1,000
		Sundries.....(12)	1,900	1,100
			182,300	155,700
		Expenditure		
		1965-66.....\$.....		
		1966-67.....18,700		
		1967-68 (estimated).....75,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A—DEPARTMENT (Continued)		
		PROGRAM DEVELOPMENT (Continued)		
		Vote 20 (Continued)		
		PLANNING AND EVALUATION BRANCH		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 2 (\$18,500-\$23,500)		
1	1	Senior Officer 1 (\$16,500-\$21,250)		
2		(\$18,000-\$21,000)		
4	3	(\$16,000-\$18,000)		
2	1	(\$14,000-\$16,000)		
2	4	(\$12,000-\$14,000)		
2	1	(\$8,000-\$10,000)		
		Administrative and Foreign Service:		
2		(\$18,000-\$21,000)		
1		(\$16,000-\$18,000)		
1	3	(\$14,000-\$16,000)		
1	2	(\$12,000-\$14,000)		
1	1	(\$10,000-\$12,000)		
	2	(\$8,000-\$10,000)		
	2	(\$6,000-\$8,000)		
		Administrative Support:		
1		(\$6,000-\$8,000)		
10	8	(\$4,000-\$6,000)		
31	29			
(31)	(29)			
		Salaries.....(1)	268,300	253,700
		Living and Other Allowances.....(1)	5,300	1,000
		Overtime.....(1)	700	
		Travelling and Removal Expenses.....(2)	18,800	19,800
		Postage.....(2)	300	300

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		A-DEPARTMENT (Continued)		
		PROGRAM DEVELOPMENT (Continued)		
		Vote 20 (Continued)		
		PLANNING AND EVALUATION BRANCH (Continued)		
		Telephones, Telegrams and other Communication Services.....(2)	10,000	2,200
		Professional and Special Services.....(4)	67,300	26,000
		Rental of Equipment.....(5)	200	200
		Office Stationery, Supplies and Equipment.....(7)	7,800	30,000
		Construction or Acquisition of Equipment and Furnishings.....(9)	1,600	9,000
		Sundries.....(12)	1,200	1,200
			381,500	343,400
		Expenditure		
		1965-66.....\$.....		
		1966-67.....88,600		
		1967-68 (estimated).....278,000		
		RESEARCH BRANCH		
		Salaried Positions:		
		Executive, Scientific and Professional:		
		Senior Officer 2 (\$18,500-\$23,500)		
		Senior Officer 1 (\$16,500-\$21,250)		
		(\$18,000-\$21,000)		
		(\$16,000-\$18,000)		
		(\$14,000-\$16,000)		
		(\$12,000-\$14,000)		
		(\$10,000-\$12,000)		
		(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		Administrative and Foreign Service:		
		(\$14,000-\$16,000)		
		(\$12,000-\$14,000)		
		(\$10,000-\$12,000)		
		(\$8,000-\$10,000)		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
		Administrative Support:		
		(\$6,000-\$8,000)		
		(\$4,000-\$6,000)		
1	1			
1	1			
8				
6	5			
11	7			
7	20			
11	3			
4	9			
	1			
4				
1	3			
1	1			
11	5			
8	20			
	1			
2	1			
24	25			
98	103			
(91)	(103)			
		Salaries.....(1)	1,076,300	886,900
		Overtime.....(1)	7,000	3,000
		Living and Other Allowances.....(1)	8,800	1,000
		Travelling and Removal Expenses.....(2)	67,100	62,000
		Freight, Express and Cartage.....(2)	1,000	500
		Postage.....(2)	900	700
		Telephones, Telegrams and other Communication Services.....(2)	14,100	7,700
		Publication of Departmental Reports and other Material.....(3)	140,600	80,700
		Professional and Special Services.....(4)	167,300	155,000
		Rental of Equipment.....(5)	29,000	828
		Office Stationery, Supplies and Equipment.....(7)	79,800	94,172

Mr. Broadbent: Also, coming from that very peculiar kind of institution, a university, I am accustomed to having anywhere from six months' to a year's notice before one is relieved of employment by a particular institution.

What has interested me, particularly since I have become involved in politics, is the problem of the working man having to wait and even being given almost no notice about being fired, say, or laid off. Has your Department given any consideration to avoiding this two to three-week delay which is required before a man can begin collecting his benefits?

Is any legislation being considered—I suppose this should be addressed to the Minister—which would provide benefits immediately for a man who is released from his work?

Mr. Mackasey: Really what Mr. Broadbent probably wants to know is why, with our automation and our sophisticated machinery, there should be the waiting period?

Mr. DesRoches: The waiting period is in the law, so let us start with that. I think it is like a deductible feature in any other insurance plan. In other words, the cost of that first week may be so high that you try to avoid it.

We know from experience that a large number of claimants never draw benefits. I am not saying it is right or wrong, but a large proportion put in a claim in anticipation of a lay-off. This does happen in certain industries where there are patterns and up to 60-odd-thousand a year draw zero benefits. In other words, they anticipate the situations, but I think the law provides the one-week waiting period on a deductible principle. It is strictly a matter of cost; it is not a matter of administration.

Mr. Mackasey: What you mean is that within the week they find a spot.

Mr. DesRoches: That is right; or it is deducted so that the fund does not absorb this heavy cost. The average duration is 14 weeks, so you can figure it from there.

Let us assume that \$400 million covers an average duration of 14 weeks. If you add a week your total costs are going to go up very high.

Mr. Broadbent: Let us take the automotive industry, suppose General Motors, who are in my constituency, were planning to lay-off several thousand employees at a

particular time. Is it their normal practice to notify the Department that so many employees are going to be laid off and that these claims would, in effect, be filed in advance so that their benefits would begin within, say, a week instead of two or three weeks, as would be normal?

Mr. DesRoches: You are not suggesting that they be paid in advance!

Mr. Broadbent: Oh, no.

Mr. DesRoches: You are suggesting that they register in advance?

Mr. Broadbent: That is right.

Mr. DesRoches: This is done in the automobile industry, and the unions work with us to ensure that the people are notified of the lay-offs first of all and that they file in advance; so that administrative tie-ins are taken care of.

But for the actual payment of that first week the person must in fact be unemployed when he is being paid. That is the condition. Therefore, we do not pay him until he has been unemployed, and then there is a waiting period for which there is no payment.

Mr. Broadbent: Do you have any idea what the normal period in a highly union-organized industry such as this would be? Would he get it after two weeks?

Mr. DesRoches: He should. Our national pattern, as I have indicated, is that within two weeks he should be paid. Ninety-five per cent should receive their payment.

Moreover, we have just made a study for Mr. McNulty in the St. Catharines area where this problem was raised in the press by the union. After making an actual count of all the cases—I think there were something like 4,000—we found that we had a pattern of 88 per cent within two weeks. This does not take into account all the difficulties of people who may, or may not, have enough benefits, or where other conditions may apply. Eighty-eight per cent were paid after they were unemployed for two weeks.

Mr. Broadbent: To pursue further the problem of that class, would it be possible to pay them right away, knowing that in a one-industry city, such as the one I come from, they are not going to get employment elsewhere?

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Mr. DesRoches: We could not; first of all, because of this waiting period; we are not allowed by law to pay that first week. Secondly, the law says that they must be unemployed.

If you read the wording of the law, the person must be unemployed. Therefore we must go through a process of determining, by questions and the answers that he gives, that he is in fact unemployed. This takes time. There is no way of anticipating this decision.

Mr. Broadbent: So the law will require to be changed?

Mr. DesRoches: Well, yes.

Mr. Broadbent: Thank you, Mr. Chairman.

Mr. Knowles (Winnipeg North Centre): Perhaps you could take over my bill which requires two weeks' notice, or pay in lieu thereof.

Mr. Mackasey: You have so many bills, Mr. Knowles, that if I took them all over it would take me eight years to put them all into legislation.

Mr. Knowles (Winnipeg North Centre): You would be a great man.

Mr. Mackasey: I have never denied that you are a great man. This was well-established long before I came here. I pattern my behaviour on yours in all of this area.

Mr. Knowles (Winnipeg North Centre): I move we adjourn on that note!

Mr. Mackasey: After I get my estimates through, please.

The Chairman: Mr. Roy.

Mr. Roy (Timmins): I am concerned about the implication left by Mr. Thompson that there is a large number of political appointments in these part-time jobs. For his own benefit, as well as for the benefit of this Committee, perhaps the Minister would like to ask Mr. Thompson if he would produce these names to him to ascertain that there is no undue political influence. I would very much dislike telling anybody recommending to me a name to pass on to the Minister, or to the officials, that I could not do it.

Mr. Mackasey: I think Mr. Thompson was going through a routine pattern familiar to most of us on committees. He was perhaps fishing.

To become very serious about the matter, Mr. MacEwan has raised a very valid point. Offices are being closed up. It does create the inevitable problem of the form not being properly filled out, for reasons that people should not be ashamed of, such as the inability to understand it. These people should not be deprived of their rights and privileges as Canadians, and where we feel it is necessary—statistically it may be proven; for instance, in Mr. MacEwan's case it was necessary we leave one person of authority in the community, one person recognized in the community, whose role is simply to help fill out a very simple card or form; and for that he receives \$1. It has averaged out to a very modest sum of money. Under the Act, the names we receive require my approval, but in 99 per cent of the cases they come from the Unemployment Insurance officials of the area. Because who else is really interested?

If someone sends a recommendation to me I simply pass it on to Mr. DesRoches. He makes certain that the person who is going to be placed at the disposal of the citizens to fill out the card does at least have an average intellectual background and sufficient education to fill out the card; otherwise he will be of no use. So the pattern becomes established.

The people filling these jobs are usually retired bank managers, retired school teachers, perhaps a retired mayor of a town—senior citizens with this particular background.

If we were ever to try to establish this on a political basis we would be destroying the concept. Basically and essentially, although the remuneration is very, very small, the background of the person must be impeccable and, as I mentioned, it must be a person whose earnings are such, or whose standing in the community is such, that he is not eligible for Unemployment Insurance. This eliminates anybody whose normal income would be under \$7,800 and limits it to a class of people who are not insurable, such as school teachers and so on.

• 1125

Although I may be mincing words with Mr. Thompson, on a very friendly basis, the very fact that someone recommends a person for the job in a particular community, whether he is recommended by the Manpower office, or the Unemployment Insurance representative of the area, or by a defeated candidate, or a sitting member from any side of the House—and I have considered recommendations from all sides of the House; and call it political if you wish—in this broad definition

REVISED ESTIMATES, 1968-69

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		B—IMMIGRATION APPEAL BOARD		
		Vote 30—Administration, Operation and Maintenance		
1	1	Chairman (\$22,000)		
2	1	Vice Chairman (\$21,000)		
6	5	Member (\$19,000)		
		Salaried Positions:		
		Administrative and Foreign Service:		
1		(\$16,000-\$18,000)		
	1	(\$14,000-\$16,000)		
	1	(\$12,000-\$14,000)		
		(\$10,000-\$12,000)		
1		(\$8,000-\$10,000)		
8	1	(\$6,000-\$8,000)		
1	1	Administrative Support:		
		(\$8,000-\$10,000)		
2		(\$6,000-\$8,000)		
5	4	(\$4,000-\$6,000)		
15	9			
42	24			
(42)	(24)			
		Salaries..... (1)	426,000	234,000
		Travelling and Removal Expenses..... (2)	55,000	23,000
		Freight, Express and Cartage..... (2)	2,000	2,000
		Postage..... (2)	4,000	2,000
		Telephones, Telegrams and other Communication Services..... (2)	8,000	4,000
		Publication of Departmental Reports and other Materials..... (3)	15,000	
		Professional Services..... (4)	56,000	30,000
		Rental of Buildings and Land..... (5)	3,000	
		Rental of Equipment..... (5)	2,000	
		Office Stationery, Supplies and Equipment..... (7)	13,000	12,000
		Acquisition of Equipment..... (9)	2,000	2,000
		Sundries..... (12)	2,000	2,000
			588,000	311,000
		Expenditure		
		1965-66..... \$.....		
		1966-67..... 146,000		
		1967-68 (estimated)..... 311,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		B—UNEMPLOYMENT INSURANCE COMMISSION		
		Approximate Value of Major Services not Included in these Estimates		
		Accommodation (provided by the Department of Public Works).....	3,773,000	4,156,000
		Accounting and cheque issue services (Comptroller of the Treasury).....	1,770,800	1,894,100
		Contributions to Superannuation Account (Treasury Board).....	2,452,800	2,095,100
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)....	443,600	368,400
		Employee surgical-medical insurance premiums (Treasury Board).....	90,400	216,600
		Employee compensation payments (Department of Labour).....	10,900	12,000
		Carrying of franked mail (Post Office Department).....	265,000	212,300
			8,806,500	8,954,500
		Vote 25—Administration of the Unemployment Insurance Act including recoverable expenditures on behalf of the Canada Pension Plan		
1	1	Chief Commissioner (\$26,500)		
2	2	Commissioner (\$20,750)		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	2	Senior Officer 2 (\$18,500-\$23,500)		
3	2	Senior Officer 1 (\$16,500-\$21,250)		
2		(\$16,000-\$18,000)		
4	5	(\$14,000-\$16,000)		
3	3	(\$12,000-\$14,000)		
7		(\$10,000-\$12,000)		
	4	(\$8,000-\$10,000)		
1	1	(\$6,000-\$8,000)		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		B—UNEMPLOYMENT INSURANCE COMMISSION (Continued)		
		Vote 25 (Continued)		
		Salaried Positions: Continued		
		Administrative and Foreign Service:		
2		(\$18,000-\$21,000)		
13	9	(\$16,000-\$18,000)		
16	17	(\$14,000-\$16,000)		
45	19	(\$12,000-\$14,000)		
71	47	(\$10,000-\$12,000)		
1,036	1,127	(\$8,000-\$10,000)		
173	16	(\$6,000-\$8,000)		
		Technical, Operational and Service:		
2	2	(\$6,000-\$8,000)		
25	9	(\$4,000-\$6,000)		
4	21	(Under \$4,000)		
		Administrative Support:		
21	37	(\$8,000-\$10,000)		
782	876	(\$6,000-\$8,000)		
2,886	3,277	(\$4,000-\$6,000)		
448	555	(Under \$4,000)		
		Prevailing Rate Positions:		
	3	(Full Time)		
5,548	6,035	Continuing Establishment.....	30,951,500	32,610,000
(5,548)	(6,035)	Casuals and Others.....	2,949,600	2,380,000
(816)	(929)			
(6,364)	(6,964)	Salaries and Wages.....(1)	33,901,100	34,990,000
		Overtime.....(1)	215,100	116,500
		Living and Other Allowances.....(1)	38,600	10,800
		Unemployment Insurance Contributions.....(1)	49,100	36,000
		Travelling and Removal Expenses.....(2)	1,943,700	1,806,500
		Freight, Express and Cartage.....(2)	144,700	95,000
		Postage.....(2)	995,300	963,000
		Telephones, Telegrams and Other Communication Services.....(2)	520,200	513,300
		Publication of Departmental Reports and Other Material.....(3)	431,900	237,000
		Advertising.....(3)	176,800	250,000
		Commissions to Post Office Department.....(4)	1,014,000	1,246,600
		Professional and Special Services.....(4)	724,500	575,500
		Corps of Commissionaire Services.....(4)	40,200	60,000
		Rental of Office Accommodation.....(5)	1,200	2,300
		Rental of Office Equipment.....(5)	231,400	345,000
		Repairs and Upkeep of Equipment.....(6)	54,700	9,000
		Unemployment Insurance Stamps.....(7)	105,000	35,000
		Materials and Supplies.....(7)	9,000	9,000
		Municipal or Public Utility Services.....(7)		1,000
		Printed Matter.....(7)	1,240,500	1,479,000
		Acquisition of Furniture and Equipment.....(9)	168,200	124,000
		Sundries.....(12)	7,900	24,000
		Expenditures chargeable to the Canada Pension Plan Account for services normally rendered by other Departments free of charge.....(12)	101,300	17,700
			42,114,400	42,946,200

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			\$	\$
		B—UNEMPLOYMENT INSURANCE COMMISSION (Continued)		
		Vote 25 (Continued)		
		Less: Amount recoverable from the Canada Pension Plan Account.....(13)	568,700	466,200
			41,545,700	42,480,000
		Expenditure		
		1965-66..... \$ 32,373,862		
		1966-67..... 37,333,693		
		1967-68 (estimated)..... 40,160,749		
		Statutory—Government's Contribution to the Unemployment Insurance Fund (Chap. 50, Statutes of 1955).....(10)	82,200,000	74,000,000
		Expenditure		
		1965-66..... \$ 65,663,739		
		1966-67..... 68,770,592		
		1967-68 (estimated)..... 71,105,000		

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,
The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

**LABOUR, MANPOWER
AND IMMIGRATION**

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 2

THURSDAY, OCTOBER 24, 1968

Revised Main Estimates (1968-69) of the Unemployment Insurance
Commission

INCLUDING FIRST REPORT TO THE HOUSE

WITNESSES:

The Hon. Bryce Mackasey, Minister of Labour; and from the *Unemployment Insurance Commission*: Mr. Jacques Desroches, Chief Commissioner.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance

and Messrs.

Alexander,
Breau,
Broadbent,
Dumont,
Knowles (Norfolk-
Haldimand),
Knowles (Winnipeg
North Centre),

Loiselle,
MacEwan,
McNulty,
Muir (Cape Breton-
The Sydneys),
Murphy,
Otto,
Paproski,

Roy (Timmins),
Thompson (Red Deer),
Turner (London East),
Weatherhead,
Whiting—20.

Michael A. Measures,
Clerk of the Committee.

¹ Replaced Mr. Muir (Lisgar) on October 9, 1968.

² Replaced Mr. Whiting on October 15, 1968.

³ Replaced Mr. Deachman on October 16, 1968.

⁴ Replaced Mr. Prud'homme on October 16, 1968.

⁵ Replaced Mr. Reid on October 23, 1968.

ORDER OF REFERENCE

WEDNESDAY, October 23, 1968.

Ordered,—That the name of Mr. Weatherhead be substituted for that of Mr. Reid on the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

FRIDAY, October 25, 1968.

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

FIRST REPORT

Pursuant to its Order of Reference of Wednesday, October 16, 1968, your Committee has considered the items listed in the Revised Main Estimates for 1968-69 relating to the Unemployment Insurance Commission.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue Nos. 1 and 2*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, October 24, 1968.

(2)

The Standing Committee on Labour, Manpower and Immigration met at 9.37 a.m. this day, the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Alexander, Breau, Broadbent, Caccia, Dumont, Knowles (*Norfolk-Haldimand*), Knowles (*Winnipeg North Centre*), Loiselle, MacEwan, McNulty, Murphy, Otto, Paproski, Roy (*Timmins*), Thompson (*Red Deer*), Turner (*London East*), Weatherhead, Whiting—(18).

In attendance: The Honourable Bryce Mackasey, Minister of Labour; and from the *Unemployment Insurance Commission*: Mr. Jacques Desroches, Chief Commissioner; Messrs. Thos. B. Ward and Morris C. Hay, Q.C., Commissioners; Mr. Robert Beatty, Director General; Mr. Guy Cousineau, Director, Programme Planning, Finance and Administration.

The Chairman welcomed the Minister and introduced those others in attendance.

The Chairman called item 25 of the 1968-69 Revised Estimates relating to the Unemployment Insurance Commission, namely

Administration of the Unemployment Insurance Act ..\$41,545,700.

The Minister gave an opening statement and was questioned, assisted by those others in attendance.

It was moved by Mr. Otto that the Chairman with the Sub-Committee on Agenda and Procedure consult the Minister to see if he can appear before the Committee on the broad principle of unemployment insurance.

Following further questioning, the motion was resolved in the affirmative.

Item 25 was carried and it was agreed that the 1968-69 Revised Estimates relating to the Unemployment Insurance Commission be reported and commended to the House.

At 11.50 a.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, October 24, 1968

The Chairman: There is a quorum and I shall call this meeting to order.

Just before starting and although it may not be entirely necessary, nevertheless I shall proceed with some introductions so that we will all know each other's names, particularly because we have officials here from the Department whom we are meeting for the first time.

We all know the Minister of Labour and next to him is Mr. Jacques DesRoches. Is that correct? Next to Mr. DesRoches in the corner is Mr. Guy Cousineau and then we have Mr. Beatty, Mr. Ward and Mr. Hay. All these gentlemen are here representing the Commission. Is that correct? Fine.

Perhaps you know each other by name from our proceedings in the House of Commons and, therefore, perhaps we will go into the meeting at this stage unless you wish to know each other's name. You all know Mr. Dumont, of course, Mr. Otto, Mr. McNulty, Mr. Loiselle and then on this side if you will introduce yourselves—Mr. Thompson (Red Deer), Mr. Knowles (Winnipeg North Centre), Mr. Paproski, Mr. MacEwan.

I would like to introduce the gentleladies at the switchboard over there but I do not know their names; also the gentleman who is in charge here and the gentlemen of the press and the always unknown and obscure person in the box who does most of the work behind the curtains.

Having done this, it is my duty to welcome the Honourable Bryce Mackasey and to call Item 25 of 1968-69 Revised Estimates relating to the Department of Labour, namely, the Administration of the Unemployment Insurance Act including recoverable expenditures on behalf of the Canada Pension Plan.

You will find this in the Proceedings you received, under Item 25, Appendix "B", beginning on page 24.

[Interpretation]

Mr. Dumont: Mr. Chairman. Sir, could the interpreter be provided with one of these

folders so he could more easily follow what we will ask you?

[English]

The Chairman: This is our Secretary and perhaps he will distribute some of these copies.

• 0940

[Interpretation]

Mr. Dumont: Yes, and also another copy for the interpreter.

[English]

The Chairman: I draw your attention to the fact that members who speak should try to speak into the microphone in order to facilitate the work of the interpreters.

Is there still some problem with the copies? Are you all equipped? Mr. Turner, Mr. Whiting, Mr. Breaux? In that case, if everyone has the material required, on your behalf I shall invite the Minister of Labour to make an opening statement on the subject matter. Mr. Mackasey.

Hon. Bryce Mackasey (Minister of Labour): Thank you, Mr. Chairman. I shall read the report which you people have in front of you. It is not a very lengthy one but I think opens up a lot of areas for questioning Mr. DesRoches.

I might point out for newer members that the Unemployment Insurance Commission is composed essentially of a Commissioner who is Mr. DesRoches—he is Chairman of the Commission—and there is one representative of labour and management. He is what we call the Chief Commissioner. The Unemployment Insurance Commission, of course, operates as independently as possible of Parliament and of the Department of Labour, but our Department and I, the Minister, are the medium of communication, really, between Parliament periodically and the Unemployment Insurance Commission.

As is mentioned here in the first main paragraph, late in 1965 the National Employment Service, which up to that time came

under the jurisdiction of the Unemployment Insurance Commission, was transferred temporarily to the Department of Labour. Later on in 1966, the National Employment Service became one of the essential or main elements of the new department at the time of Manpower and Immigration.

Following the separation of the National Employment Service and the Unemployment Insurance Commission, the Commission began to re-examine its own organization to adapt it to its changed responsibilities. For this reason the Commission requested the Organization Division of the Public Service Commission to carry out a general survey of the structure of the Commission. This study consisted of a review of all areas of the organization and a re-evaluation of all functions in the light of the changes which had taken place. One of the aims was to find ways to improve the efficiency of the organization in accordance with the recommendations of the Royal Commission on Government Organization, more commonly known as the Glassco Commission.

A major recommendation of the Public Service Commission Report was that there should be a consolidation of functions in the field. Up to that time, the Unemployment Insurance Commission had operated upwards of 200 offices to serve the public directly and, in addition, had offices at different locations from which operated either the Enforcement service or the Audit groups of the Commission.

The organization study recommended a general consolidation of all the offices of the Unemployment Insurance Commission in order to create units which were better aligned with the new role. Further, the study emphasized the need to consolidate the many small offices which were no longer required or which, because of their size, were relatively inefficient and could not support the type of personnel structure required in order to attract good staff and maintain sound management practices.

• 0945

I might point out here that the inefficiency of these particular offices or the size of them became much more apparent when the National Employment Service was removed from the same building or the same structure. It became harder and harder to justify the existence of small offices devoted exclusively to Unemployment Insurance Commission problems in a particular area, and this has generated a certain amount of adjustment of

which I am sure most members are aware, because when the Commission in its wisdom decides to close an office, a member of Parliament of the region regardless of his political affiliation is naturally affected and wants to know the reasons.

Implementation of the recommendations of the Public Service Commission Report was begun in 1966 and carried through 1967 and 1968. As a result, the number of offices—I think this is significant gentlemen—of the Commission was reduced from about 225 to a total of 70 area offices which combine the various functions of the Commission.

It is important to emphasize that the reorganization was not simply a matter of economy, but a means of regrouping the functions of the Commission so that it could be better equipped to serve the public and, at the same time, implement new and more modern methods of work. I think that is a significant phrase if somebody wants to question it after.

As part of the physical reorganization, the Commission introduced a plan of greater decentralization and delegation of authority to its field offices. This was carried out mainly in the latter part of 1967 and early months of 1968. The aim is to give the operating staff all the authority it requires to manage its operations and make decisions, as required by circumstances and events.

The reorganization involved the appointment or promotion of new Regional Directors in each of the five regions, the promotion of directors at the area level, and the restructuring of the Headquarters of the Commission. Among the new appointments has been that of a Director of Public Relations whose job is to help explain the important work of the Commission and assist in curbing abuses to the program.

As part of the reorganization, the newest techniques in management and operations were introduced. I would like to note a few of these.

The first, and the one which certainly has had the greatest impact upon the operation of the Commission, has been the introduction of a proper planning, programming and budgeting system. This system has permitted the Commission to put into effect one of the best systems of budgeting and financial control which now exist in the Public Service. The main advantages have been much more precise planning and a higher degree of control over operations throughout Canada. As an adjunct to the system of planning and budgeting, there was also introduced a new system

of management reporting which brings to the fore, on a regular and up-to-date basis, all the factors which the management of the Commission requires to determine how the operations are going, how effectively the job is being done, and at what costs.

At the beginning of the fiscal year, the Commission brought into play the principle of management by objectives. Objectives were set at all levels of the organization, in terms of better service to the public, better control over the operations of the Fund, increased efficiency, increased degree of bilingualism in that organization and, finally, a higher degree of personnel development. Through the element of management by objective the Commission has been able to bring all elements of the organization into one focus of direction, to give it a sense of common purpose, and to translate operating objectives into precise targets of work, expenditures and savings.

In concrete terms, the Commission has been able to achieve the following positive results which are reflected in part in the Estimates which are before you today. First of all, the Commission was able to meet the government's request early this year to curtail expenditures by an immediate reduction in its budget for the year 1968-69 of \$935,000. While the reduction in this year's budget is of interest, it must be noted that the Commission had already held down its expenditures in the year previous.

Between the fiscal year 1966-67 and the fiscal year 1967-68, the Unemployment Insurance Commission increased its actual expenditures on administration by only \$300,000; that is, from \$37,300,000 to \$37,600,000. This relatively small increase was achieved in spite of an increase in workload of about 17 per cent between these two years, and in spite of the fact that the Commission absorbed the statutory increase in wages of about 3 per cent. Thus, the Commission achieved a net saving in its operations of close to 20 per cent. In the fiscal year 1966-67, it reduced its establishment by 144 man-years, and achieved a further reduction of 223 man-years in the year 1967-68.

• 0950

But I would not wish to leave the impression that economies was the sole concern and orientation during the past year. As I have already mentioned, the volume of work did increase: both the number of claimants and the number of claims were higher in 1968 than in 1967. The increase in the number of

payments was effected through the smaller number of offices which the Commission now operates, with a minimum of problems and disruption. While it is true that there is sometimes a lack of understanding regarding the changes which have been made in the Unemployment Insurance Commission, the number of genuine complaints as to the service is relatively small considering the fact that the Commission makes an averages of 12 million payments a year to a total of from 300,000 to 500,000 claimants.

The extension of the service by mail to all claimants during the last few years has been accomplished on a smooth basis. One of the reasons is that mail payments had been performed successfully by the Commission for more than twenty years in all parts of Canada.

As one indicator of the increased effectiveness of the Commission, I would like to quote a few statistics. During comparable periods in 1967 and 1968, Commission records indicate that the percentage of claims which were still pending within the second week of their submission by the claimants, the figures stood at 31 per cent, 33 per cent and 32 per cent for three consecutive weeks in September of 1967. The comparable figures for weeks in September of this year are: 23 per cent, 21 per cent and 22 per cent. The percentage of claims which were still being acted upon during the third week stood at 7 per cent, 5.4 per cent and 4.9 per cent in the same three weeks last year, and 3.9 per cent, 3.1 per cent and 3.0 per cent this year. This quick comparison will indicate that there is an improvement of approximately one third in the speed at which claims are acted upon and disposed of under the new system in the current year, as opposed to the previous year.

I might also add that a great deal more attention is now being given to the means of ensuring local service whenever offices are closed. I think this has been a sore point with many of you gentlemen. The Commission makes a very thorough evaluation of the need for substitute service in the form of offices manned on a part-time basis, the appointment of an agent who can assist the claimant in processing claims, or itinerant service provided by regular staff who visit several localities on a regular basis. Thus, I am quite confident the Commission is not unmindful of the need to maintain good service to the public and that its efforts to modernize its operations do not disregard the basis requirement to maintain and improve services to the public.

I am extremely pleased to report, Mr. Chairman, that in spite of all the improvements which the Commission has made in the past, it is not standing still and continues to seek new ways of improving its operations, both from the point of view of giving better service to the public and achieving greater efficiency. To this effect the Commission has employed consultants who have been probing all aspects of the operation of the Commission and have come up with recommendations in many areas of the Commission's work. As a result of the consultant recommendations the Commission will soon begin the implementation of a computer system of claims processing in all its regions. Further, it will embark on new and more positive ways of controlling abuses to the fund. That is another point someone many want to discuss.

This brings me to an area of administration which has certainly taken on a greater impetus in the last few months and which the Commission is working very hard to resolve: this is the question of abuses to the Unemployment Insurance Fund. You have no doubt been made aware through the publicity which the Commission launched last December of the increased tempo of its public relations and renewed efforts to discourage fraudulent practices. The results have been encouraging as indicated by the following facts for the early part of this year: an increase of 5 per cent in investigations completed and an 18 per cent increase in overpayments established. New methods will be introduced very shortly which should further discourage abuses.

I might just point out here that the Ministers and the Commission and the Commissioners have had long and serious talks about being overzealous; overzealous in the sense that our concern with abuse should reduce the prime objective, which is to service claimants. So this is the reason our operation sometimes permits abuses in the sense of the analogy I often use of coming through the customs. You have to get so many people through per hour, therefore you cannot check everything in everybody's luggage and when people come in to make a claim the information is usually taken at face value so that the claim can be processed as fast as possible in order to alleviate any possible hardship. It is after these claims come into effect that spot checks and improved methods start to indicate the areas of abuse. The publicity campaign to date has really been to remind people that while it may now be relatively easy to obtain unemployment insurance on a

fraudulent basis, the possibility of being caught afterwards and repaying the funds is growing and, frankly, it has also been my policy—and I presume the policy of all other Ministers—to remain completely impartial and aloof of the problem when Members of Parliament come to me about a person who has been caught or charged with an abuse. I have absolutely no intention of doing so nor have I ever tried to interfere politically. I am sure Mr. DesRoches would not tolerate it, and I would not do it. That does not mean to say that if a person comes to you people with a problem that it should not be handled sympathetically in case the Unemployment Insurance Commission is wrong.

• 0955

The Commission has also begun to prepare recommendations for the amendment of the unemployment insurance program as indicated to the House of Commons by my predecessors. I must emphasize here that this is a vastly complex question because the program has been in operation for many, many years and has built up patterns and practices for which any change must be carefully considered and evaluated. For this reason, the Commission has had recourse to all the experts it could in order to determine what would be the best course to follow in the future, and also to bring to bear upon any recommendation as much solid data and information as possible. For example, use is being made of advanced techniques of operational analysis and mathematical models in order to validate or evaluate any future proposal for change in the legislation.

I think that whole paragraph leads very well into the examples given in the next.

One subject of concern is whether coverage should be extended to all or some occupations now excluded. School teachers are a good example. Another difficult area of concern is the question of what to do with the constant deficit position in regard to fishing benefits. Since 1957 and up to the end of March of 1968, over \$170 million have been paid in fishing benefits, against contributions from the industry of approximately \$15 million during the same period. In other words, over \$155 million have been drawn out of the Unemployment Insurance Fund as a result of the introduction of fishing benefits. Early forecast of the impact of the agricultural coverage would indicate that this should not create the deficit situation encountered in the fishing industry. Another area of weakness is

of course the payment of seasonal benefits. Since the inception of seasonal benefits, approximately \$944 million had been paid in seasonal benefits for which the offsetting contributions are extremely low and would certainly be less than 10 per cent.

I might leave the thought with the Committee for its advice and assistance, perhaps, at future meetings when we are discussing next-year's plans or the proposed legislation that at the bottom of page 7 and the beginning of page 8 the Commissioner is gently reminding Members of Parliament that somewhere along the line the unemployment insurance fund has got away from its original intent. It is now combining welfare with insurance and really the question he is posing is is this the function of the Unemployment Insurance Commission or should these people who should be helped be helped through another fund or another means or another program. He is just pinpointing it. It is our decision to make if and when legislation comes forward.

Mr. Chairman, these are just a few of the problems which a revision of unemployment insurance would have to take into account. No doubt it would also have to recognize that requirements for benefits are changed, and that many government programs now exist which are different from the time when unemployment insurance was first started.

To conclude, Mr. Chairman, this general review of the situation in the Unemployment Insurance Commission, I am pleased to summarize the situation as follows: a great deal of progress has been made to realign the organization and the operation of the Commission to meet a changed role as a result of the separation of the National Employment Service but the Commission will continue to give all its attention to the needs for better service to the public and at as low a level of expenditure as possible.

Current estimates represent an increase of \$3,889,000 over actual expenditures during 1967-68. This increase of 10 per cent indicates excellent control of administrative costs when the following facts are considered:

• 1000

1. price increases, mainly in salaries, account for approximately half of the increase,

2. the claims load is higher this year causing the volume of the Commission's work to rise by about 19 per cent over 1967-68.

3. during 1968-69, the Commission has to absorb the costs involved in the recent

change in legislation: these costs included planning costs, advertising, training, and reprinting of stamps.

I might mention to newer members that I presume the change talked about here was to upgrade or increase the contributions, and increase the range of coverage to people up to \$7800 a year from what it was. This obviously had to be introduced and books had to be changed, stamps had to be printed; the public had to be made aware of this as a result of a particular advertising program which now has expired, I imagine.

The increase in the government statutory contributions to the Unemployment Insurance Fund of \$8,200,000 reflects the change in legislation which has brought under coverage an additional 500,000 Canadians. As you know, the Federal Government contributes one-fifth of the combined contribution of employees and employers. It is estimated that the Fund will continue to rise during 1968-69 and will reach a balance of about \$380 million, or an increase of approximately \$80 million during the current fiscal year. This would indicate that the Fund is in a healthy position to permit a fairly normal rate of benefit payment.

Now at the back there are notes I certainly do not intend to read unless you insist, but you can certainly attach them. The members do not have this? These copies are mine. There is nothing of a secret nature here. The notes perhaps could either be circulated or tabled or attached to the proceedings. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Mackasey for these introductory remarks. The meeting is now open to questions. Kindly introduce yourself when you are recognized by the Chair, so that the operator may be in a better position to handle the various switches.

The first question comes from Mr. Thompson.

Mr. Thompson (Red Deer): Thank you very much, Mr. Chairman. I want to express my personal thanks to the Minister for this report.

The Chairman: At the moment we are having difficulties because we cannot hear the translation.

[Interpretation]

Mr. Dumont: Mr. Thompson's microphone is not connected. I can hear quite well, but there is no translation. The interpreter can't hear.

Mr. Mackasey: We will solve that problem; it will take 2 or 3 minutes. Probably, it's a matter of connections.

Mr. Dumont: I can hear the interpreter, but he does not hear Mr. Thompson. We could, perhaps, change the microphone?

[English]

Mr. Thompson (Red Deer): Can you hear now?

[Interpretation]

Mr. Dumont: It's O.K. now. No further problems. Go ahead.

• 1005

[English]

Mr. Thompson (Red Deer): Obviously the Minister has been doing his homework. I know that he is aware, from his own experience as a Member of Parliament, of many of the problems that he mentions.

There are one or two aspects I would like to bring to the Minister's attention, Mr. Chairman. One concerns the closing of regional offices. We are aware of this policy of centralization which is intended not only to permit greater economy, as far as the administration is concerned, but also allow for other means which are probably as efficient as if not more efficient than the old approach where there were many regional offices performing a minimum of service. I am concerned with the part-time employees who have been appointed to take care of complaints and to investigate reports that come from those who claim, or who are entitled to benefits under the program. How are these part-time people appointed, Mr. Mackasey?

Mr. Mackasey: Three names are submitted to me by the Unemployment Insurance Commissioner as being recommended as the result of a study in a particular area. The Commission has set up, through experience, certain standards, retired school teachers, bank managers. As you mentioned quite honestly, it is part-time and because it is part-time the remuneration cannot be calculated and I believe they are paid so much per case. I think it is \$1.50. Am I right?

It is a dollar. So the remuneration over a year, Mr. Thompson, is very flexible. Nevertheless certain standards must be met because, as you quite adequately pointed out, their role is to help people. Therefore their position in the community, their background and their training must be at least such that

they can help, because the problem sometimes is one of illiteracy, the inability to understand a form and so on. So these names are submitted for my approval, sent back to the Commissioner and he or the Unemployment Commission in turn then decides who this part-time person is to be. That is pretty well the plan.

Mr. Thompson (Red Deer): You are saying then, Mr. Mackasey that these are not political appointments.

Mr. Mackasey: If you were to recommend a name to me—and I hope you do if you feel there is someone in your community who has the talent—somebody around here might say, if I accept your recommendation, that it is political. I would not, I would say that it is probably a very good recommendation because I know it comes from you and you would not recommend anybody on a political basis. You would no doubt recommend this person to me on his or her talent. Knowing you as well I do, I would probably suggest to Mr. DesRoches that this person has the highest recommendation because he is recommended by Mr. Thompson. In other cases the recommendation comes from the mayor, the chamber of commerce, perhaps the Member of Parliament of the riding, whether he is Liberal or Conservative depending on the riding. We do not want to get into semantics about whether it is a political appointment; I think all appointments are political in one sense or another.

Mr. Thompson (Red Deer): I would not be so naive as to try to give the impression that any appointments that I might recommend might not have some political connotation, although I must confess that I was not successful in any recommendations that I made.

Mr. Mackasey: Could you give me specific examples, because I do not know of any.

Mr. Thompson (Red Deer): Yes. I could give you specific examples, but what bothers me is the general impression of the public that these part-time employees are political appointments. I am not making the point that these recommendations should come from a Member of Parliament any more than I think they should not come out of a political channel at all. From my own observation they must, in some cases, come out of the political approaches. My point is, would it not be better to do this thing publicly, to even have a

limited competition so we would not be open to charges of political appointments.

Mr. Mackasey: I think your point is well taken, except that I am not aware—frankly I may sound naive—of any accusation of political appointments because the fundamental concept of the Unemployment Commission is that it is directed by three commissioners. Mr. DesRoches is the Chief Commissioner; the other two are appointed by management and labour organizations.

Mr. Knowles (Winnipeg North Centre): Nominated.

Mr. Mackasey: Nominated, I am sorry. It is about the same thing really. It is accepted, but nominated. Mr. Knowles is accurate in his description. At this point the structure of the Unemployment Commission is to keep it as independent as possible from politics and from parliamentarians, and from the Minister of Labour. Its mandate is a clear one. In addition to this it has an advisory board which meets not too frequently, but it has an advisory board of 10 people, made up equally again from management groups and labour groups. When you are talking about—your suggestion is a valid one—our having some kind of competition, I would ask Mr. DesRoches if he could give me the range of income these people earn, approximately. These are part-time people, Mr. Thompson.

• 1010

Mr. Jacques DesRoches (Chief Commissioner): Well, they earn on an average about \$325 a year.

Mr. Mackasey: You can see the problem of running a public competition in a community for a job that averages out to about \$325 a year.

Mr. Thompson (Red Deer): Well, I would like to have some statistics that bear out this estimate of an average of \$325 a year, because any of these men that I know of, while they do not get very much they certainly get more than that.

What troubles me in the manner in which these recent appointments have been made is that by the very nature of the responsibility of the unemployment insurance personnel, where welfare is very often confused with unemployment insurance, it would be helpful to the Commission if there were a feeling of confidence on the part of the public as well those who contribute to unemployment insurance.

Somehow I think there ought to be some more open way of making these appointments, even though you cannot have a competition in the sense of a Civil Service competition. I understand that, but it has come to my attention and I get complaints that indicate to me—rather than politics being abused because the amount is not that great—that the public suspect this, and there is some generation of dissatisfaction which, I think, we should avoid if possible.

Mr. Mackasey: Mr. Thompson, if I could interrupt just for a minute, to allay the fears of the public—and I appreciate your bringing them to our notice—Mr. DesRoches has pointed out two points that perhaps I should have emphasized. The majority of these positions are filled by recommendations coming from within the Unemployment Insurance Commission. The area supervisors pick out the three people and send them in, essentially. Second, the one criterion other than the ones I mentioned is that the persons themselves not be eligible for unemployment insurance because we may have them in the position of deciding on their own case. So they are in a group not presently covered because of their own income or because of their own occupation.

Now, if you have any particular cases in mind, if you would bring them to my attention I would send them on to Mr. DesRoches and ask what is the basis for the recommendation of that particular person. But really I am not aware, from the mail I get from the public or from their members of Parliament, of any dissatisfaction with this long-standing customary method of appointing these people.

Mr. Thompson (Red Deer): Well, my remarks are based on experiences in those areas where offices previously existed and now have been closed and possibly as we get farther away from an election campaign these things might not be so noticeable. But I just draw to the Minister's attention that if you want to have some names, I can give them to you.

Mr. Mackasey: We cannot find any defeated candidates who are interested in \$360 a year; we are searching the woods for one.

Mr. Thompson (Red Deer): I say this to you, Mr. Minister: since the services of the Unemployment Insurance Commission have been extended and since there is probably more abuse coming in to the entire picture, the more we can do to hold the confidence of the public and convince them that this is a legitimate operation, I think, the better.

Mr. Mackasey: Yes.

Mr. Thompson (Red Deer): Now, I have just one or two questions that I would like to bring up concerning the problems and the abuses. I know this is perhaps "old hat" to you, but it is something that is of legitimate concern to all of us. This relates to seasonal benefits.

• 1015

What precautions are being taken by the Commission to avoid the illegitimate payment of benefits to those who may earn the bulk of their income over a comparatively short period of time? We might refer to the lumber industry, we might refer to the fishing industry where perhaps a person's income is earned over three, four or six months of activity and then he immediately applies for unemployment insurance for the remaining months of the year.

Mr. Mackasey: Well, Mr. Thompson, Mr. DesRoches has pointed out in an understatement—you know, I recall, the Gill Report had pretty comprehensive recommendations, as you know, on this particular problem, to analyse the claimants of positions. As you quite properly pointed out, he concentrates his time and efforts in three or four months of the year and then applies for unemployment insurance. But really under the present Act, this is not an abuse; this is a right and he exercises his right to unemployment insurance.

Now, it may be abuse of the concept of unemployment insurance as we first started, but if you recall—and it is pointed out in a statement here that Mr. DesRoches researched for me—we have deviated or departed—and I think you have introduced a good area—from the original concept of unemployment insurance to the point that somewhere along the line Parliament, in its wisdom, will have to decide whether the unemployment insurance should get back to its original concept of being insurance or whether it is to be another vehicle for social welfare.

I am not saying that there are not a great class of Canadians who should be treated through social welfare. Mr. DesRoches, the Gill Report and I have reservations about whether the unemployment insurance is the proper vehicle. This leads right into your question. When the amendments to the Act—and there will be amendments to the Act—are brought before Parliament then perhaps we could take your suggestion.

Mr. Thompson (Red Deer): Could there not be some rather simple way to determine the total income that a person might earn through a year and apply that in the decision of whether or not a man is entitled to unemployment insurance?

Mr. Mackasey: These are all excellent suggestions but at the present, Mr. DesRoches has just reminded me, he has no alternative but to administer the Act as it now exists. What you are pointing out, and quite properly, are some of the weaknesses of the Act. This is a very glaring weakness and one that will have to be met head-on by an objective Parliament when the time comes.

My analysis perhaps, of an objective Parliament is a Parliament—and this includes all parties—that is prepared to resist lobbies by certain groups who are more fortunate than others and who resist coming into the unemployment insurance schemes because they feel in their security that the history in their own particular profession or job is such that they will never claim it and therefore they do not feel that they have any obligation to contribute.

When we bring a bill before Parliament next year, these are the type of challenging decisions which Parliament will be expected to face and act upon. The area that you mentioned is a very valid one because as I recall the Gill Report—and it is only by memory—he pointed out quite adequately that there are in the employment force many people who, because of the nature of the work they do, may work only three or four months a year.

Mr. DesRoches pointed out, of course, that the period of benefits from unemployment insurance vary with the amount of time they have worked, so it is not a question of working three months and being on unemployment insurance for nine months. The length of the period depends on their contributions.

Mr. Thompson (Red Deer): Another area of abuse that comes to my attention concerns the construction industry and its activity during the colder months of the year and where, perhaps, outdoor work or semi-outdoor work will result in construction people working three days a week during the months of December, January and February, perhaps, and who find it more profitable to refuse to come to work and sit home and draw unemployment insurance rather than bothering to go out in the cold for a couple of days' work. Is any effort being made to control this type of abuse?

Mr. Mackasey: Under the Act if it can be proven that the man's reason for applying for unemployment insurance is nothing better than that he can find it more lucrative to live off unemployment insurance than to work then, of course, he immediately becomes ineligible for the insurance and is disqualified.

• 1020

Mr. Thompson (Red Deer): There is a big area here because many construction men are finding it difficult to hold their employees through these months and continue with any profitable program of work simply because of this weakness which permits many of their people to stay away from work on excuses that really cannot be pinned down.

Mr. Mackasey: This, Mr. Thompson, could very validly therefore be considered an abuse. As Mr. DesRoches has already pointed out, he intends to begin this fall with a well-publicized campaign to let the working force of Canada know that we do not intend to tolerate abuses. There is a difference between intentional abuse and unintentional abuse, and that is a matter of judgment for the Commission to exercise.

This is an area of abuse, as Mr. Thompson quite properly points out, and the Commission will take note of Mr. Thompson's representation and consider this a very valid area of abuse, and police it perhaps a little more thoroughly.

The Chairman: Mr. Thompson, may I recognize other members or do you have more questions?

Mr. Thompson (Red Deer): I just have two questions; I will try to be short with them.

You mention that \$155 million have been paid out in benefits to the fishing industry. You say little about the agricultural industry; this is a new area of coverage. Have you anything to report in greater detail than what you have mentioned in your remarks in regard to whether or not this aspect of spending benefits has been satisfactory?

Mr. Mackasey: One thing the Unemployment Insurance Commission has been doing in a very efficient manner is analysing industry by industry to see which industries do contribute and which industries have a traditionally actuarially sound basis for their contributions. Railways are just about a perfect example of in and out—or am I wrong? Is transportation a better word? The field of

transportation in general, for instance, usually contributes enough to cover its activities. Therefore, that area is not being subsidized.

Now, Mr. Thompson's point is a very valid one, but so far it is because of the fact that this particular group of Canadian citizens employed in the agricultural field have been added fairly recently we cannot be too accurate in our analysis, but to date Mr. DesRoches points out that the experiment has been very satisfactory in that the balance is pretty well even Steven, if you want to use that expression.

Mr. Thompson (Red Deer): Perhaps, not to take more time now in further questioning, we can come up on this point later.

I have one further question that relates to the amount of money recoverable from the Canada Pension Plan account. Could you now, or later, give an explanation of just how this aspect works?

Mr. Mackasey: Perhaps I can just take note of it. This is coming directly out of the estimates and we might take them all then.

Mr. Thompson (Red Deer): Yes, please.

Mr. Mackasey: Thank you, Mr. Thompson, I will come back to that one.

The Chairman: Before I call on the next member may I ask that you endeavour to confine your time to about 10 minutes. If you have more questions to ask which would require more time than that, I will recognize you once again. If you could try to confine your questions or remarks to 10 minutes it would give an opportunity to other members who also wish to ask questions to be recognized and have the floor.

Mr. Otto: Mr. Chairman...

The Chairman: Would you please identify yourself?

Mr. Otto: It seems, Mr. Chairman, that we are going to get involved, in accord with the Minister's statement, in policy itself—what is unemployment insurance? At the same time the Minister and this Committee want to get through with these estimates. I wonder if the Minister or the Chair could indicate whether the Minister could come back at a later time when we get through with the estimates and then we can go into this whole question of policy in some detail?

I have some questions and discussions which will take a considerable amount of time and I do not want to be limited to 10

minutes or 5 minutes. Could the Minister indicate whether he agrees that we get through with the estimates, then he comes back to this Committee at which time we will be able to go into a very full discussion on policy itself?

• 1025

The Chairman: Mr. Knowles?

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, if we pass the estimates we will not have the subject before us.

The Chairman: That is a very good point. I will answer Mr. Otto's remarks after the Minister has commented because I think that we can clear up this matter right away.

Mr. Mackasey: I think Mr. Otto has made a very valid point. However, Mr. Knowles has made the legalistic argument which is also equally valid that the House would then have to charge the Committee with this responsibility. If this is done in the House of Commons, if your Committee feels in its wisdom it should ask for their permission to do this—that is, have the Minister appear before the Labour, Manpower and Immigration Committee to discuss Unemployment Insurance philosophy and generalize, I would be quite pleased to come back. But I might point out to you that sooner or later I will be coming in with contemplated changes to the role of the Unemployment Insurance Commission, which will then provide a fairly ample opportunity.

But what is more important—and I think it is in the spirit of Mr. Otto's remarks, that every minister has his own way of functioning—I would like to consult with the Committee as early as possible before legislation gets into any kind of printed form in order that I can have the benefit of your advice on how we can improve the Act. I think this should be the spirit in Committee work. Perhaps the Chairman could bear in mind Mr. Otto's thought and work out with the legal experts from the Department when and how I can be brought here legally. Certainly I will not have to be dragged, I am quite pleased to come back. We can do it another way. Sometime when we are free, perhaps a Wednesday evening, I could invite those members of the Committee who are interested, to the headquarters of the Unemployment Insurance Commission—I think this is a practice that we should all get used to—to see just where they operate from and while there we could go into the whole matter in what may be termed an unofficial meeting, if necessary.

Certainly while we are there we could go into the philosophy of the whole Act with Mr. DesRoches and his advisers. This may be an alternative that I am more than happy to sponsor.

Mr. Thompson (Red Deer): Might I just say that the very nature of the Minister's remark leaves itself open to a wide range of discussion here. Although I appreciate many of his remarks, I have only touched on a portion of the things. I think we have to face up to the fact that it is difficult to separate estimates from the policy that he himself raised in the year-end report.

Mr. Mackasey: Well of course my report was drawn up in the spirit of full disclosure. I am not hiding behind my estimates, I just thought that you people may have appreciated the general philosophy in the report. If we want to restrict ourselves to the estimates, certainly this will speed it up, if this is the intent of the meeting.

The Chairman: Members of the Committee, it is not the intention of the Chair to rush through the estimates because one of the points made by Mr. Otto is a very valiant one; on the other hand, once the estimates are no longer before us, who knows when there will be an opportunity to go into the various aspects of policy-making. Actually the estimates provide us with the cut-and-dried figures which we have to translate into meaningful decisions vis-à-vis the people affected. And if we do not do it when we go through the revised estimates, I do not know when we will be able to do that. So I am rather inclined toward a debate which will evolve along the lines of raising the questions that you have in mind. This is the place to do it, this is the time to do it; perhaps it may take a little longer but, on the other hand, we will have the satisfaction of having cleared this up. The next questioner is Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, first I would like to congratulate the Minister on his honesty in using the plural in the last word of the first sentence in paragraph two on page 7, when he told us that he still hopes to see the amendments that have been promised to the House of Commons by his "predecessors".

Mr. Mackasey: Well, I have had many in a short period of time, Mr. Knowles, and that is the reason for my using the plural.

• 1030

Mr. Knowles (Winnipeg North Centre): I think the predecessor before your last one at one point even said that in the succeeding year we would have the new amendments before the House. However, you have indicated that this seems to be under very active consideration.

Mr. Chairman, I would like to confine my remarks to just one subject, and the Commissioners will not be surprised at this because I have raised it in the House two or three times in recent years. It concerns the abuse in reverse, not the abuse against the fund but the abuse against claimants which, in my experience, seems to be most common. I refer to the case of a person who reaches the point of retirement and qualifies, legally and properly, for unemployment insurance benefits. Whether or not unemployment insurance benefit for a full year for a retired person was intended or should be there or not, it is there. And as the Minister and others know, many people do qualify for the benefit, and in some cases qualify for it for the full year. Is it 52 weeks or 51 weeks?

Mr. Mackasey: The full year. That is the maximum period.

Mr. Knowles (Winnipeg North Centre): Yes, that is the maximum. Railway workers are a good example.

Mr. Mackasey: Yes.

Mr. Knowles (Winnipeg North Centre): I may say that the number of cases of abuse that come to my attention in respect of railway workers is less than among others, the reason for this being that the railway pattern is fairly well-established. After all, a retired engineer or a retired railway machinist cannot be told that he should take some other kind of a job too far removed from what he was doing. But in many instances a person who is on the benefit, a few weeks or months later, gets a summons to come in and discuss things. He is asked if he would take work at a lesser rate than he was taking before and would he take work at a point removed from where he lives. The person who knows the ropes, the person who knows what other people have gone through, will frequently say yes because that person knows there is no such work for him, so he stays on the benefit. But an honest man comes along and says, "Well look, I was making \$2.50 an hour, you cannot ask me to work for \$1.50 an hour." or

"My job is in Stonewall, Manitoba; you cannot ask me to move away." and all the rest of it. So he says, "No, I would rather not." The next thing he gets is a notice that he has restricted his availability for employment and so he is disqualified. Now I am sure that most of the members in this room have had cases of this kind.

Mr. Mackasey: Including the Minister.

Mr. Knowles (Winnipeg North Centre): Including the Minister, yes. Do you still get them?

Mr. Mackasey: Not at the same frequency.

Mr. Knowles (Winnipeg North Centre): I would think you would get more now in that position of authority that you enjoy.

It seems to me, Mr. Chairman, that this is an abuse against the claimant, that this is an over-zealousness on the part of the Commission that ought to be checked. I am not against efforts of the Commission to prevent abuse—to prevent people from getting money out of the fund illegally, and I know that there are people who get on the benefit and then it is discovered later that they got it on a false pretense and something has to be done about them. I am talking about people whose claim is without question but who then get put off the benefit because of this reassessing picture. Now it seems to me that if a person is entitled to the benefit, he should get it. I accept the fact that he should take work if similar work at similar pay in his area is available, but I think this business of beating people down and telling them that they must take work at half the pay, or must go somewhere else, is quite unfair. Quite frankly, if a person comes to me and tells me what has happened and that he has received this summons, I just tell him what the story is and tell him to go down to the Commission and say yes, of course he will take lesser pay, of course he will go somewhere else and take his chances—and I have not heard of one yet that has lost out by taking that chance. But the fellow who says, "No, my wife is ill; I really cannot take a job as a night watchman just now" loses the benefit.

Now I think this is quite unfair. I have raised this matter on the floor of the House in these estimates over the last two or three years but I have seen no indication of it being corrected. Now can this be corrected by the commission through its regulations or does this require a change in the act.

• 1035

Mr. Mackasey: I will just say a few words and then ask Mr. DesRoches to elaborate. Statistically, statistics are statistics and experience in Canada with this particular group of people, primarily people who are going on pension and who then decide they want to continue work and apply in the normal manner for unemployment insurance, has shown that our figures are quite comparable or compare favourably with other countries that have the same problem.

I think one of the big abuses that you did not mention—I am on your side on this—is the fact that the word “insurance” can be very misleading in that there are many people who do come, as you know, to their Member of Parliament after finding that they cannot receive any unemployment insurance simply because they went to the unemployment insurance office and said, “No I do not want to work, I just simply want to get my year’s collections that I have paid”. Much the same way, I suppose, as with an annuity or a pension plan. I usually then try to say it is like fire insurance. You do not ever really want to collect it...

Mr. Knowles (Winnipeg North Centre): Yes, but I am not talking about that.

Mr. Mackasey: But you are talking about the people who are on the list. I am going to ask Mr. DesRoches because I would like to put him on the spot on this. He has pointed out to me, of course, that the act could not make any distinction between a particular group of people—senior citizens who are on unemployment insurance benefits—and people who are in another age bracket. The criteria are the same. First, they must be capable of working. We have all, I think, at one time or another had somebody come to us who is in their 80’s or something of this nature, who might have been a watchman until he was 81 and then draws unemployment insurance. It is a matter of judgment whether he is capable of taking another job.

Mr. Knowles (Winnipeg North Centre): But Mr. Minister, I hope you will not talk about too many of these cases that are far out. I am talking about the people who are 65, 66 and so on who are capable.

Mr. Mackasey: Do not think, Mr. Knowles, that the problem is really any different from the person who is 47. I have as many people of 47 come to me from my riding and say

they have been disqualified because they refused to take a job in Rosemount which is 19 miles away and which is an hour and three quarters by autobus, and because they refused to take a job with a cut from \$2.75 to \$2.10 or \$1.95. So, I do not know whether the complaints in that group are greater statistically than in general. Of course, there is always the right of appeal, as you know better than I. I will ask Mr. DesRoches if he would answer that.

Mr. DesRoches: I think Mr. Knowles really is raising two problems. The first one is whether we should treat retired people differently from other people. The law does not permit us to do this. We have to treat them the same way and it is a matter of judgment on the part of our adjudicator on the basis of the facts he has whether the person is capable, available and searching for work. These same conditions have to be applied to the same judgment put into the decision. Beyond this there is an appeal procedure which applies to him.

The second problem you raised is one of inconsistency, that somebody can fool us by saying something different from somebody else and I do not know if we have any solution to this. What we could do is try to deal with all railway workers, let us say, in the Winnipeg area on the same basis. We could do a sample study to see that we treat people in the same conditions in the same way. We try to do this within an area office. I am sure the people are aware that their decisions must be consistent. We have reviews at regional level and reviews at headquarters of decisions made, but I think it is very hard to be perfectly sure that all of our decisions are consistent in all cases.

The fact that somebody could make a false statement or declare that he is available, could fool us, I have no doubt. I do not think this is the type of thing we can solve very easily because we try to give the service as rapidly as possible. I do not know what the solution would be.

Mr. Knowles (Winnipeg North Centre): Do you think it is fair to put people to the test by saying, “Are you willing to take work elsewhere at a lower rate of pay?”

• 1040

Mr. DesRoches: I think, again, I would have to have a precise case. You mentioned half the salary. I do not understand how this could arise. Of course, on the other hand, we cannot offer work in a type of work that has

disappeared. I do not want to mention any occupations here, but if an occupation has disappeared or no longer exists, let us say, in the leather industry or something of the sort, it is very difficult for us to believe that somebody is searching for a type of job that no longer exists. Now, if this is put to us, I think the adjudicator has to make a decision based on the fact that maybe the occupation no longer is a current occupation. I think this happens.

Mr. Knowles (Winnipeg North Centre): I must say that I have taken up quite a few cases with you, either locally at Winnipeg or with Mr. McGregor when he was here or Mr. Beatty now, and most of the cases I have taken up have been corrected. This is fine for my reputation as an M.P. but what about all the poor people who do not go to their M.P.?

Mr. DesRoches: All right, we have an education program to tell the people their rights and their rights of appeal. I would think that people know this, but we are quite willing to re-emphasize it. Our first decision is not final. There are two other levels of decision beyond us and people are quite entitled to appeal.

Mr. Knowles (Winnipeg North Centre): I have had a thousand similar cases of a railway worker who said that he was not available. Then he got into this difficulty and appealed and so on. Finally he agreed to say that he was available and was taken back on, but in the meantime he had lost a few weeks of benefit which he never got again. There is really no difference in his situation.

Mr. DesRoches: Yes, but it is hard to get his motivation. Did you say if he really was or was he not available?

An hon. Member: He said he was not.

Mr. DesRoches: He was not available initially. I think if the man was not available and he made a declaration to this effect at the start, it is very difficult...

Mr. Knowles (Winnipeg North Centre): Not available for this lower paid kind of work. By what authority do you put people on that spot?

Mr. DesRoches: It is on a basis of knowledge of the local market. Our officers have to recognize what the situation is within their own market and try to make as fair a judgment as possible on the basis of wage rates, local conditions and information from the

Department of Manpower which is of help to us in this.

Mr. Knowles (Winnipeg North Centre): That is the end of my 10 minutes, Mr. Chairman, but I just hope that in the review of this you will improve this situation, because my experience has proven this to be a very real grievance.

Mr. Mackasey: I think the point Mr. Knowles has made quite adequately, Mr. DesRoches, is that possibly some people are over zealous in the application of the law and are not using the best judgment. Maybe, statistically, you could pin-point areas in the country where this is more prevalent than others and have a review of the competence of your officers.

Mr. Alexander: Mr. Chairman, there has been much said about the abuses in terms of the Fund. I wonder what the percentage is in terms of funds paid under fraudulent claims as against claims paid on the whole?

Mr. Mackasey: About 1 percent, Mr. Alexander, of fraudulent claims are discovered. That means 1 per cent in dollar volume is recovered of what is paid out.

Mr. DesRoches: About 1 per cent of claims are fraudulent; we recover half.

Mr. Mackasey: It has been established that 1 per cent of claims are fraudulent and we are able to reclaim from that 1 per cent about half the money.

Mr. Alexander: The findings up to date have been that about one half of it has been reclaimed?

Mr. Mackasey: Yes, but I might make a point. We are using the word "fraudulent" here, but sometimes this fraud is quite unintentional. Am I right?

Mr. DesRoches: Yes.

Mr. Mackasey: Quite often the fraud is unintentional.

Mr. DesRoches: It could be based on a lack of knowledge.

Mr. Mackasey: This has a determining factor on the zeal with which we go after the person.

The Chairman: It seems to be an unintentional fraud.

Mr. Mackasey: An unintentional fraud. You lawyers work that one out.

Mr. Alexander: I heard that, but I did not...

Mr. Mackasey: You are the lawyer so you can do it.

Mr. Alexander: That is what you said, "an unintentional fraud". I take it then that in the event the fraud is ascertained, you deduct from his subsequent claims that which he actually acquired under a fraudulent claim?

• 1045

Mr. Mackasey: This is sometimes the practice. We can and do in the odd case go to court because some of the methods used to circumvent the law and obtain money illegally are quite ingenious. When they are discovered and we realize that it was a deliberate plot—if you want to use that expression—then we have no hesitation in going to court to recover the money.

Mr. Alexander: I see. Have you been successful, generally speaking, in court?

Mr. DesRoches: I must say this depends on a number of factors, but now that the magistrates understand our problems and understand the claimants' problems as well, I think we have been fairly successful. It is not a matter of beating people over the head.

I should point out here that we do collection without court action. There are really three methods. One is recovery through future benefits. The second one is actual collection action and it is only if that fails that we would take to court to collect. We also take people to court, of course, as a penalty and we would have about 2,000 actual penalty cases in the courts in a year.

Mr. Alexander: I see.

Mr. DesRoches: These are successful ones. I think we are successful in about 70 per cent of the cases before the courts.

Mr. Alexander: I will not take much more of your time when there are so many of us here. I notice you have indicated that there is going to be an increased degree of bilingualism in the organization. Could you elaborate a little bit on that; to what extent and in what areas?

Mr. DesRoches: Here we are following the Public Service Employment Act—the Regulations, I should say—which enjoins all departments to take steps to increase the degree of bilingualism under, I think, Regulation No. 4 of the Public Service Employment Act which

spells out the conditions which should pertain in the Public Service and, in particular, within the national capital area.

Now, taking this as our general objective, we are taking steps to inventory all our positions and set objectives against each of them over a long-term period, possibly up to 1975 or something of this nature. It is not the type of thing that we can realize on a short-term basis. Some we have to; the regulations are quite precise, in some cases, where we have to consider certain positions in the national capital to be bilingual or where bilingualism is a factor. I might say here that in the Province of Quebec, of course, where service to the public is entirely bilingual and our own internal operation is already entirely bilingual, there is not a working document within the Province of Quebec which is not in French and in English and in other provinces I think we are ready to give service in both languages wherever the service is required. We are doing that much.

Mr. Alexander: I see. So what you are saying is that in terms of the Province of Quebec there would not be as much impetus required in this area as there would be, let us say, in the Province of Saskatchewan?

Mr. DesRoches: I think the objectives would be the same in reverse, perhaps. There may be more English required but I think, by and large, we are well equipped to provide bilingual service in the Province of Quebec right now and the same in the national capital area. I do not know that I can say that we are fully equipped to do this, let us say, in Gravelbourg, Saskatchewan or some place out West, but if somebody does want the service either in Moncton or in Saskatchewan we have the means to provide the service through our staff's having some composition of bilingual people.

Mr. Alexander: I see. Well, this program is going to call for increased training of personnel, I would imagine. Who would be trained?

Mr. Mackasey: In hiring practices, of course, or the manning of an office in St. Boniface, Maillardville and these areas, Mr. DesRoches has been trying to reorganize the staff so that he can have at least one bilingual person in the area to service a French-speaking Canadian who moves to that part of the country and is unable to communicate properly in the English language. This has not always been the case but we have discovered many abuses or complaints within the Unemployment Insurance Commission.

• 1050

I might point out that in Quebec there are areas, you know, where the English people require the same facilities. They have not always been available in certain areas of Quebec. This is being rectified. As you know from the statements made in the House of Commons, most of the senior public servants and some members of Parliament are taking full advantage of the courses placed at their disposal to acquire a degree of bilingualism but I can assure you that all I am interested in, in my Department and in the Unemployment Insurance Commission, is that there be no discrimination against unilingual people, either English or French. This is not to be the practice; I do not approve of it.

I think what we want to do is to increase, really, our bilingual facilities to service the public. Certainly I personally, having lived with the thing all my life, can well understand that people should not be fearful because at a particular age they are unilingual because learning a second language is difficult. There are, however, as you realize, Mr. Alexander, areas where we should service people in both official languages in a realistic sense, depending on the percentages.

Mr. Alexander: Thank you, Mr. Chairman. I will pass.

The Chairman: The next on my list is Mr. Otto.

Mr. Otto: Mr. Chairman, I am very glad to see that the Commission...

[Interpretation]

Some hon. Members: In French.

Mr. Otto: In French? Yes, if possible.

[English]

However, I shall continue in English which is a little easier for me. I am very glad the Commission has finally recommended that Parliament, and we as a branch of Parliament, get into the whole concept of unemployment insurance. Indeed, I think what Mr. Knowles has put forward today has pointed out the reason for it.

Now, it is my understanding that unemployment insurance was an insurance against unemployment. It was not an insurance policy for a specific job at a specific rate of pay in a specific area, but you see not only Mr. Knowles but just about everyone has gotten into this position.

Second, fraud or what was called "unintentional fraud"—we will have to use that, Mr. Alexander, at any court proceedings that we attend—is possibly very true because great numbers of Canadians do not consider unemployment insurance as their contribution never to be recovered in the event they would ever become unemployed. They think it is a right.

Indeed, then we come to the question, is it insurance? What is the maximum under the Unemployment Insurance...

Mr. Mackasey: Do you mean the \$7800 ceiling?

Mr. Otto: No, I mean what is the maximum benefit?

Mr. DesRoches: Fifty-two dollars a week, depending on your dependents.

Mr. Otto: Fifty-two dollars a week. Is this insurance or is this supplementary income? In other words, if one loses his job, can he survive and live at the rate of \$52.00 a week? All these questions should be asked. This is why in my original recommendation I said that if we are to go into this fully it is going to take some time.

The Minister has volunteered to listen to this Committee before he sets his legislation. In most cases we find ourselves in the position of the three kings; you know, we attend after the miracle has happened, so to speak, and there is not much we can do to contribute to this miracle. There are questions that I would like to ask the Minister but I am not going to take too long at this time. I shall try to limit my questioning to about 10 minutes.

Mr. Minister, have you ever considered, has your Department considered, or has your Department done any research concerning a policy to be followed similar to the Workmen's Compensation Board policy; in other words, where a benefit is equal, roughly, to 75 per cent of earnings up to a certain maximum?

Mr. Mackasey: Mr. Otto, I must make just one little correction because this is a recorded hearing. The Unemployment Insurance Commission themselves have not raised the problem of whether our philosophy is right or wrong. The Minister may have. You know, they administer the Act we give them and we have to decide whether the philosophy of the Act under which Mr. DesRoches works and applies is a proper one.

• 1055

For instance, last night I read with great attention your speech of February 28 of this year—doing my homework, you might say—and I am fairly aware of your philosophy, which I think is quite progressive and does question the concept. However, I must suggest gently that this is an area which the parliamentarians should get into, exclusive of the presence of the Unemployment Insurance Commission. Their main function is only to apply the law as we give it to them. As you have suggested, I think we could work much freer at the appropriate moment in this general area without their presence.

Mr. Otto: May I then just restrict my questions to the following. You have said in your report that greater emphasis is being paid to public relations. In your opinion has your department been successful in its endeavours in this public relations field in convincing the general working public as to the purpose of unemployment insurance, the idea—as you have expressed it—that it is not payable as a sort of semi-retirement pension, and so on.

Mr. Mackasey: To a point. As you know, there are certain classed of Canadians who are generally against the concept of insurance. They regard it as a necessary evil but they do not want to be bothered by it. This is not really the sort of public relations we are interested in.

We are interested in eliminating as much as possible the type of abuses that Mr. Knowles has brought to our attention. I am interested in this and I have directed the Commission to prepare a public relations program which will acquaint the Canadian people with their rights as Canadians when they appear before the Unemployment Insurance Commission.

Too often in too many areas in the past people have gone into the Commission and they have been treated as if they were being given something. In reality they are just collecting what they are entitled to as a result of having contributed. Unfortunately this is not always recognized by bureaucracy, and a clerk who gets up in a bad humour in the morning can make all the difference in the world in the type of situation that Mr. Knowles brought before us. He can be very dictatorial or arrogant in his attitude over the counter. This is bad public relations. This is the area we want to rectify.

We want the people of Canada to know that if they have to go to the Unemployment In-

urance Commission they are only exercising their right as Canadians and they should not be browbeaten. Also, we want them to be as aware as possible of their rights. In this instance many of them are progressive trade unions and they are very helpful in acquainting their membership before they retire or before they are dismissed, or before they are laid off for one reason or another, as to their rights under the Act, even to providing them with legal counsel or a shop steward or an expert within the union or organization.

I really agree with you, Mr. Otto, there are too many Canadians who are not aware of their rights, and it is in this area of public relations that we want to concentrate. In other words, on the one hand we are telling the people that there is too much being stolen—because that is the proper word—by supplementing the Act, by misrepresenting the facts, by acquiring money week after week on false information, but at the same time, in our zeal to eliminate these abuses, we do not want to become abusive ourselves. We want to make very sure that the average Canadian who is not satisfied with the decision which is made at that desk is fully aware of his rights to appeal. It is in this area that we want to concentrate our public relations. It is not to convert people to the philosophy of insurance.

Mr. Otto: I think my ten minutes are just about exhausted, Mr. Chairman. I will continue at a later time when other members have had an opportunity to ask questions.

The Chairman: Thank you, Mr. Otto. There are three members who have expressed the wish to ask questions of the Minister; Mr. MacEwan, Mr. Dumont and Mr. Whitting. Mr. MacEwan is first.

Mr. MacEwan: I have five or six questions but I do not intend to pose them now, Mr. Chairman. There is one question which I think perhaps should not be directed to the Minister but more to Mr. DesRoches and his officials. This is a matter which has been brought to my attention by the executive of the steelworkers' union in my area regarding the matter of their executive. At the time they are negotiating contracts or carrying out some work for the union they are advised that they are not eligible for stamps. I think they have been told and the ruling has been made—the officials have heard this before—that they are not actually employees of the company at that time.

• 1100

It seems to me there should be something done in this regard. If they are negotiating contracts or doing other necessary work for the union this should not make them ineligible for stamps. Have the officials any comment on this matter?

Mr. DesRoches: I think this is a kind of question we could consider again. I know there has been a ruling in the past to the effect that they are not covered by the Act. I think the way the ruling reads is that they are not really employed. Is this correct? A new interpretation would be required.

Mr. Mackasey: Would you review the situation, Mr. DesRoches, and perhaps look at the concept that Mr. MacEwan is advancing, that is, that more and more industry recognizes that when a union or shop steward is away on union business he is in reality working. This is the collective agreement and possibly you might be able to review the situation and see if you cannot come up with the same concept. It seems to me a logical thing.

Mr. DesRoches: Yes, as long as they are not doubly employed, I suppose. That they are not being paid twice.

Mr. Otto: I would appreciate it if you would do that. The reason I bring this forward is that it is not so important in an industry which is fairly well permanent twelve months of the year, but I am thinking of a freight car company which has its ups and downs according to the number of cars bought by the various railway companies. I would appreciate it if you do that so I could convey that to the union.

Following along what Mr. Knowles said, I have run into not quite the same situation, but situations in areas where there is no public transportation, and I have found that claimants who are out of work in their particular area are asked if they are available for work even 10 or 15 miles away and they state they are not available because they have no transportation, and so on, and they are ruled ineligible. I have had cases where the Board of Referees remedied this, but it is something which ties in with what Mr. Knowles said and I think the Commission perhaps could have a look at this particular matter. They are available for work in their own area, but if they do not have an automobile of their own—and I am thinking of fishing areas in the County of Guysborough in Nova Scotia—there is no

public transportation at all. If the Commission could look into this I would appreciate it.

Finally, Mr. Chairman, one further matter. I would like if perhaps the Minister or Mr. DesRoches could give us some details on the tie in between the Department of Manpower and Immigration and the UIC offices. I note on page 7 it is stated:

Further steps will be taken shortly to ensure that the majority of claimants to unemployment insurance are registered with the Canada Manpower Centres.

My understanding at this time was that most of the UIC claimants are registered with the Department of Manpower offices. I would like some comments on that, please.

Mr. DesRoches: This is a refinement we would like to bring about. Let us say there is no organizational tie between the two, but we have come closer in trying to tackle the problem of communication or liaison between the two agencies.

We do not believe that the Department of Manpower should act as a policeman for our operation. In other words, we have to administer our Act and some of our claimants may not be—if I may use the term—clients of the Department of Manpower. We have to find some way so that we do not increase their work load unnecessarily by sending people to them who are not placeable, for example, for certain reasons or people who are on a short-term lay off who are not really clients of the Department of Manpower. This is one thing we are working on now, to try to avoid just having a paper flow between the two, where they are overloaded on their part, and this serves no purpose for our own. In other words, be more definite in what people we would like to have information on. From this point on we are making arrangements so that they will feed information to us to help us make our own decisions, and this is about the only tie in on a case basis. In other words, they will report to us certain events. They will not make the judgment. That will be up to us.

• 1105

Mr. MacEwan: I note that a comment was made here that the processing of claims by mail is proving successful. This is on page 5. I have had quite a number of people point out that when their employees have a permanent union setup the union officials—the executive secretary, or the recording secretary—fill out the claim forms for them, but in other cases they do it themselves.

In my own case, the area office is in the town of New Glasgow and the area extends, I think, to Halifax, a hundred miles away; although I believe there has been a change lately and that it now extends to Moncton. If there is one little question wrong, or anything at all, those claims come back. This holds up the claimant.

I do not know whether I buy this, or whether it is working successfully and smoothly. In my own area, I do not think that is the case.

Mr. DesRoches: There are specific cases. We are always willing to hear about these cases to learn for ourselves about the frequency of them and the nature of the problems.

We know that in the generality of the cases we are giving better service, as indicated by the figures in the statement, that 95 per cent of claims are paid, or are put into pay, within the second week or third week after they have been submitted. So there is a waiting period there, in any event, and there is no harm done; and within two weeks you can get at least one communication back and forth. If the question is not a major one I am sure that this would not delay the claim.

However, this is why we are appointing agents. Wherever you find there is a need in your constituency, of course, we are quite willing to consider appointing an agent to help the people. We do not encourage too much the use of the telephone and long-distance, but within an area office the telephone is there, and we are providing, and are expanding, this service of giving information by telephone in many localities across the country. We have a set-up where people answer the telephone and do nothing else.

Mr. MacEwan: I will check further into that and perhaps be in touch with the Commission further. Thank you, Mr. Chairman.

Mr. Mackasey: You could recommend somebody, Russel, if we need a person in that area. I know it would be a non-political reference.

Mr. MacEwan: Oh, I am always—

Mr. Mackasey: We will give it full consideration, knowing where it comes from.

Mr. MacEwan: I will do that.

[Interpretation]

Mr. Dumont: Thank you, Mr. Chairman. I would like to thank the officials very sincere-

ly for the simultaneous interpretation. It is perfect. Our policy, Mr. Minister, of bilingualism must, certainly, bring about better understanding between the East and the West. I am sure that if, one day, a delegation from the constituency of Frontenac, which I represent, comes here, they will feel at home. I am also convinced that everyone here, in this room, does not want to see any "fog curtain" between the East and the West.

This being said, Mr. Minister, we, in our corner of Quebec, are also against this centralization which compels our people to making long trips. There is talk of the possibility of closing the Manpower Center at St-Georges de Beauce. The people, then, will have to go to Lévis which is 120 miles away. So, when I see you have to recruit part-time employees I wonder if there is any saving.

Your report states a saving of 600 man-years for 1967-1968, but you need to employ part-time people, whom you pay \$325 a year. I read on page 300 of your revised budget at the item: Construction or Acquisition of Equipment and Furnishings, an amount of \$294,000 for 1968-69, as compared with \$168,600 for 1967-68.

So, there is an additional expenditure of \$125,400. I dare hope the minister did not act as Mr. Greene and buy green carpets and green telephones or pink carpets and pink telephones...

Mr. Mackasey: First of all, Mr. Dumont, I would underline the fact that the minister has bought absolutely nothing. I hope that the chairs and furniture bought by Mr. Desroches will last many years. There will not be any spending—you may perhaps think it was extravagant—for these items next year or the following years.

Mr. Dumont: Even if you close offices?

• 1110

Mr. Mackasey: It is not for closed offices, it is for the new ones. There is one idea, I share with Mr. Greene, it is the colour, which is really preferable. I read in the papers, "it was green," and I have the same preference.

Mr. Dumont: The hope of the Social Credit. I have another question. What is the basis for this \$325 per year? How do you collect Unemployment Insurance on such a very small amount? Do you collect any at all...

Mr. DesRoches: It's the rate we have paid to these agents, or a commission of a dollar per claim.

Mr. Dumont: The main reason I am speaking now, Mr. Minister, is, to ask you to make a serious study of the question. At Thetford Mines, in my riding, a lot of people work in asbestos mines. The companies want to close their factories during the Christmas holidays a period of 8 days, and these people will not receive unemployment insurance or any salary. This will affect 2,000 families. When I see the increase in the Unemployment Insurance Fund I wonder whether you could make money available in such cases. The factories close for 2 or 3 days, and the people have neither their wages nor any payments for a week. This is a really serious problem. I wonder if your department could do something about it?

Mr. Mackasey: You asked me to consider this question. I will ask Mr. DesRoches to take this into account and will ask him to report to me. Better still, if you want to prepare a brief on that matter I can assure you that Mr. DesRoches will consider it, and you will have the reply, very soon.

Mr. Dumont: Thank you very much indeed, Mr. Minister.

Mr. Mackasey: Thank you, Mr. Dumont.

[English]

The Chairman: Mr. Knowles?

Mr. Knowles (Norfolk-Halifax): Thank you, Mr. Chairman.

My only question relates to the discussion we had on the philosophy behind unemployment insurance. There appears to be a misconception among people who have reached retirement age.

I had a case come to me, and I was quite amazed that a man, having severed his connection with a plant and reached retirement age, felt that he was entitled to some benefits under the Unemployment Insurance Commission.

In addition to that, the assistant manager who wrote the letter for him also seemed to be under the misconception that he was entitled to something, and he was asking what steps he should take because he felt this was his just due.

If that is the case, perhaps it would be simpler to pay him an annuity at the end of the term, but I know that that is not the plan.

Perhaps this is an area in which we are into public relations again.

Mr. Mackasey: Yes; I find many, many cases of railway workers and retired people coming and saying to me, quite pathetically, that they were depending on unemployment insurance and were eligible for it and it has been refused.

When I investigate I inevitably find, in the majority of cases, that when they have been asked, "Do you intend to seek work, or are you looking for work?" they say quite naively—because that is the proper word to use—"No, we are retired. All we want is what we are entitled to for the next 52 weeks."

Mr. Knowles has quite adequately pointed out those people who—

Mr. Knowles (Winnipeg North Centre): Keep these two Knowles separate!

Mr. Mackasey: Both Mr. Knowles know that really the more sophisticated, or those who have been advised by people who realize this, say, "Yes, we are looking for work". Then the question of individual conscience enters into it.

There are still people with principles who, if they feel they do not intend to work, will not ask for unemployment insurance, but how does one distinguish them? This is our problem.

Mr. Knowles (Norfolk-Halifax): In this particular instance I have already been in communication with the department by telephone and your officials have said that this is a recurring problem; that people just do not seem to understand, and that they had many, many claims.

• 1115

Mr. Mackasey: What you are pointing out is that perhaps this is an area of public relations on which we should concentrate more.

Mr. Knowles (Norfolk-Halifax): I think so.

Mr. Mackasey: I agree with you.

The Chairman: Mr. Broadbent.

Mr. Broadbent: I have a question, Mr. Chairman, but this may not be the proper place in which to raise it. I am very new in this occupation, and new—

Mr. Mackasey: I am new in mine, I can assure you. This is my first public appearance.

Mr. Broadbent: Also, coming from that very peculiar kind of institution, a university, I am accustomed to having anywhere from six months' to a year's notice before one is relieved of employment by a particular institution.

What has interested me, particularly since I have become involved in politics, is the problem of the working man having to wait and even being given almost no notice about being fired, say, or laid off. Has your Department given any consideration to avoiding this two to three-week delay which is required before a man can begin collecting his benefits?

Is any legislation being considered—I suppose this should be addressed to the Minister—which would provide benefits immediately for a man who is released from his work?

Mr. Mackasey: Really what Mr. Broadbent probably wants to know is why, with our automation and our sophisticated machinery, there should be the waiting period?

Mr. DesRoches: The waiting period is in the law, so let us start with that. I think it is like a deductible feature in any other insurance plan. In other words, the cost of that first week may be so high that you try to avoid it.

We know from experience that a large number of claimants never draw benefits. I am not saying it is right or wrong, but a large proportion put in a claim in anticipation of a lay-off. This does happen in certain industries where there are patterns and up to 60-odd-thousand a year draw zero benefits. In other words, they anticipate the situations, but I think the law provides the one-week waiting period on a deductible principle. It is strictly a matter of cost; it is not a matter of administration.

Mr. Mackasey: What you mean is that within the week they find a spot.

Mr. DesRoches: That is right; or it is deducted so that the fund does not absorb this heavy cost. The average duration is 14 weeks, so you can figure it from there.

Let us assume that \$400 million covers an average duration of 14 weeks. If you add a week your total costs are going to go up very high.

Mr. Broadbent: Let us take the automotive industry, suppose General Motors, who are in my constituency, were planning to lay-off several thousand employees at a

particular time. Is it their normal practice to notify the Department that so many employees are going to be laid off and that these claims would, in effect, be filed in advance so that their benefits would begin within, say, a week instead of two or three weeks, as would be normal?

Mr. DesRoches: You are not suggesting that they be paid in advance!

Mr. Broadbent: Oh, no.

Mr. DesRoches: You are suggesting that they register in advance?

Mr. Broadbent: That is right.

Mr. DesRoches: This is done in the automobile industry, and the unions work with us to ensure that the people are notified of the lay-offs first of all and that they file in advance; so that administrative tie-ins are taken care of.

But for the actual payment of that first week the person must in fact be unemployed when he is being paid. That is the condition. Therefore, we do not pay him until he has been unemployed, and then there is a waiting period for which there is no payment.

Mr. Broadbent: Do you have any idea what the normal period in a highly union-organized industry such as this would be? Would he get it after two weeks?

Mr. DesRoches: He should. Our national pattern, as I have indicated, is that within two weeks he should be paid. Ninety-five per cent should receive their payment.

Moreover, we have just made a study for Mr. McNulty in the St. Catharines area where this problem was raised in the press by the union. After making an actual count of all the cases—I think there were something like 4,000—we found that we had a pattern of 88 per cent within two weeks. This does not take into account all the difficulties of people who may, or may not, have enough benefits, or where other conditions may apply. Eighty-eight per cent were paid after they were unemployed for two weeks.

Mr. Broadbent: To pursue further the problem of that class, would it be possible to pay them right away, knowing that in a one-industry city, such as the one I come from, they are not going to get employment elsewhere?

• 1120

Mr. DesRoches: We could not; first of all, because of this waiting period; we are not allowed by law to pay that first week. Secondly, the law says that they must be unemployed.

If you read the wording of the law, the person must be unemployed. Therefore we must go through a process of determining, by questions and the answers that he gives, that he is in fact unemployed. This takes time. There is no way of anticipating this decision.

Mr. Broadbent: So the law will require to be changed?

Mr. DesRoches: Well, yes.

Mr. Broadbent: Thank you, Mr. Chairman.

Mr. Knowles (Winnipeg North Centre): Perhaps you could take over my bill which requires two weeks' notice, or pay in lieu thereof.

Mr. Mackasey: You have so many bills, Mr. Knowles, that if I took them all over it would take me eight years to put them all into legislation.

Mr. Knowles (Winnipeg North Centre): You would be a great man.

Mr. Mackasey: I have never denied that you are a great man. This was well-established long before I came here. I pattern my behaviour on yours in all of this area.

Mr. Knowles (Winnipeg North Centre): I move we adjourn on that note!

Mr. Mackasey: After I get my estimates through, please.

The Chairman: Mr. Roy.

Mr. Roy (Timmins): I am concerned about the implication left by Mr. Thompson that there is a large number of political appointments in these part-time jobs. For his own benefit, as well as for the benefit of this Committee, perhaps the Minister would like to ask Mr. Thompson if he would produce these names to him to ascertain that there is no undue political influence. I would very much dislike telling anybody recommending to me a name to pass on to the Minister, or to the officials, that I could not do it.

Mr. Mackasey: I think Mr. Thompson was going through a routine pattern familiar to most of us on committees. He was perhaps fishing.

To become very serious about the matter, Mr. MacEwan has raised a very valid point. Offices are being closed up. It does create the inevitable problem of the form not being properly filled out, for reasons that people should not be ashamed of, such as the inability to understand it. These people should not be deprived of their rights and privileges as Canadians, and where we feel it is necessary—statistically it may be proven; for instance, in Mr. MacEwan's case it was necessary we leave one person of authority in the community, one person recognized in the community, whose role is simply to help fill out a very simple card or form; and for that he receives \$1. It has averaged out to a very modest sum of money. Under the Act, the names we receive require my approval, but in 99 per cent of the cases they come from the Unemployment Insurance officials of the area. Because who else is really interested?

If someone sends a recommendation to me I simply pass it on to Mr. DesRoches. He makes certain that the person who is going to be placed at the disposal of the citizens to fill out the card does at least have an average intellectual background and sufficient education to fill out the card; otherwise he will be of no use. So the pattern becomes established.

The people filling these jobs are usually retired bank managers, retired school teachers, perhaps a retired mayor of a town—senior citizens with this particular background.

If we were ever to try to establish this on a political basis we would be destroying the concept. Basically and essentially, although the remuneration is very, very small, the background of the person must be impeccable and, as I mentioned, it must be a person whose earnings are such, or whose standing in the community is such, that he is not eligible for Unemployment Insurance. This eliminates anybody whose normal income would be under \$7,800 and limits it to a class of people who are not insurable, such as school teachers and so on.

• 1125

Although I may be mincing words with Mr. Thompson, on a very friendly basis, the very fact that someone recommends a person for the job in a particular community, whether he is recommended by the Manpower office, or the Unemployment Insurance representative of the area, or by a defeated candidate, or a sitting member from any side of the House—and I have considered recommendations from all sides of the House; and call it political if you wish—in this broad definition

of "political" every appointment in the world is political in the sense that someone has made a recommendation. For a job of this insignificant remuneration one cannot have a Public Service contest. Therefore, if you are not going to have the normal Public Service examinations you are then going to leave the choice to someone's discretion. Then the element of choice becomes somebody's and in this particular case it is left as much as possible to the Commission. This is why Mr. DesRoches simply asked the people in the area to submit at least three names and they are the judges, of course, of their intellectual capacity and background and standing in the community. So that the person has no alternative but to go to that retired bank manager, lawyer, notary or school teacher, whoever it may be, and sit down and say, "Here is a card. I need to fill this out to be eligible for unemployment insurance and I am a little puzzled and a little confused. Would you mind helping me with it?" This is definitely the function this gentleman serves in various capacities, depending on where he is situated and the population. This is all it is, really. I sometimes wish there was a bigger area for the minister but it is getting less and less.

Mr. Roy (Timmins): I appreciate the Minister's explanation and I am fully in accord with it. I just do not like to see this sort of implication left open for any sort of credibility.

Mr. Mackasey: If Mr. Thompson had a specific case in mind I think he would have brought it forward. The fact that he has not satisfied the Minister's ego, he is quite pleased.

The point is that if Mr. Thompson had a particular case of abuse in mind he would have brought it before the Committee, and I appreciate your point very much.

The Chairman: There are three questioners: Mr. Whiting, followed by Mr. MacEwan, who will be followed by Mr. Otto, and then I will put the question.

Mr. Whiting: Mr. Mackasey, in view of the fact that you are cutting down your regional offices from 225 to 70 you are now involved more with mail from claimants. The point that I would like to draw to your attention, Mr. Minister, is that it is not the routine claimants but it is somebody that has a dispute with your department and who thinks that he is possibly entitled to a benefit where he may not be, and this would come into the area of public relations. I have noticed some

of the letters emanating from your Department and I think they could be a little more explanatory in nature. People get them and they do not understand them, and it necessitates another letter back and time is involved. I just draw to your attention, sir, that possibly a little more explanation as to why the claim is not being honoured would be of help to the claimant.

Mr. Mackasey: I think this is an excellent point and it has been brought to my attention on several occasions. Personally I am a stickler for correspondence; I like it to be direct and factual. As Mr. DesRoches knows, and anyone in the Department of Labour, in the first few months as Minister I sent more letters back than I accepted because, for the very reason you point out, they have not had knowledge of facts.

What I have done is appointed Mr. O'Keefe, who is sitting in the back, a former Member of Parliament who is very much aware of the political problems of all members of the House, the Conservatives, Liberals, Creditistes and New Democrats with the constituents on this problem. In order to facilitate for you people a speedy answer to the problem I have asked Mr. O'Keefe to concentrate on this area and be at the disposal of all members, and, if I recall, once he was assigned to that position all members of Parliament without exception were notified of Mr. O'Keefe's responsibility in this particular area.

Your point is well taken and I will discuss with Mr. O'Keefe and review a sampling of the letters that are coming out of the Unemployment Insurance Commission which are directed to you people. I received a very nice letter of congratulations from Bob Muir of the Opposition congratulating me on the explicitness and the information concerning a particular problem that he had given to Mr. O'Keefe. So before I praise Mr. O'Keefe on Mr. Muir's letter I have to balance it off with . . .

• 1130

Mr. Whiting: I want to make the point, Mr. Chairman, that these are letters coming from your offices not from . . .

Mr. Mackasey: You mean in the field?

Mr. Whiting: Yes, in the field.

Mr. Mackasey: Mr. DesRoches had better upgrade the letters; the Minister will want to have a good look at them. This is an excellent point. You are satisfied with my letters?

Mr. Whiting: Oh yes, I am very happy with your letters!

Mr. Mackasey: Maybe I will have Mr. O'Keefe make a tour, starting with Newfoundland and going down into the Maritime provinces.

Mr. Whiting: May I just ask one more question, Mr. Chairman. This has been brought up twice already and it has to do with the employment of part-time employees. I think, Mr. Minister, you said that this has been a long time practice. I believe I am correct.

Mr. Mackasey: You mean the hiring of part-time employees has been a long-time practice?

Mr. Whiting: Yes. How long, Mr. Minister?

Mr. Mackasey: Since 1941.

Mr. Whiting: So then it was going on in 1957 and 1958 up to 1962?

Mr. Mackasey: The purpose of the part-time employee—I am going to ask Mr. DesRoches to elaborate on this...

Mr. Whiting: Is to render service.

Mr. Mackasey: Because there are people who live too far from the community and this service is needed.

Mr. DesRoches: I think we have to be very clear here. These are agents, they are not part-time employees. These people are there to assist the claimants. We have hundreds of part-time employees and I do not want to confuse the two because they are hired...

Mr. Whiting: No, in reference to what Mr. Thompson was saying.

Mr. DesRoches: The agents. Because of our seasonal work we employ hundreds of part-time people.

Mr. Mackasey: Had Mr. Thompson's change in philosophy not been so successful I would certainly have considered him as an agent. Without any hesitation I would say that he would have been a very excellent appointment.

Mr. MacEwan: The Minister mentioned this before, but did he state when he expected to bring in a bill to amend the UIC Act?

Mr. Mackasey: I want to be very honest, Mr. MacEwan. It is not going to be soon. The

Wood Report is coming down in December and I hope to recommend that this Committee have an opportunity to really study that report as early as possible. Perhaps my concept of committees is a little different from the traditional one, but I do not regard committee members as Liberals or Conservatives; I regard everybody here as being objective in trying to improve the legislation that is presented. I think the best way we can translate the Wood Report recommendations into legislation—reject the recommendations or accept them—is to have it here before a committee where you will then have an opportunity to pass judgment. As far as I am concerned, labour legislation is social legislation and it has an effect. After all, the present IRD Act is 20 years old. The fact that it has survived 20 years without amendment means that it was fairly well drafted at the time. It means that whatever recommendations or changes we make to it should be very well thought out and everybody in Parliament, through the Committee, should have an opportunity to work on it.

Mr. MacEwan: I take it, then, that you are going to recommend the Wood Report to this Committee and there certainly will be no amendments to the UIC Act. In spite of the terms of reference of the Wood Report there will be nothing come in until that is done.

Mr. Mackasey: There is no intention of bringing in any ad hoc legislation unless it would be to rectify some anomaly or unintentional problem.

We have a problem—I know I am deviating but I would like to point out this one particular matter—which has crept up of employers who have been penalized, one or two-men operations are being penalized simply because they do not realize that they have to sign what is called a waiver form if they hire somebody when they are in a bind, or something, for a day or two—a housewife for a particular emergency—and if they do not sign this form then a very zealous inspector may come along eight, nine, ten, fifteen months later and want to know why deductions were not made. Then the employer has to make it up in fines, and so on. It is a ridiculous aspect. These minor little changes may come in but any major overhaul of the act will certainly have to wait till after the Wood Report.

Mr. MacEwan: Finally, was the matter of the UIC Act part of the terms of reference of the Wood task force?

• 1135

Mr. Mackasey: Not to my knowledge. Nevertheless, it could conceivably have some effect on the legislation. The main point I am getting at is that this Committee will be charged with a lot of work and it would be dishonest to try and leave the impression that before too many months have gone by, we are going to be coming in with tremendous changes in the concept of unemployment. Really what we are doing is studying the social implications of returning unemployment insurance back to an insurance concept rather than a combination of insurance and welfare, because before this Minister would want to do this, he would want to make sure that the people excluded were well looked after by another scheme. I think we all share this philosophy and this is why we want to move rather slowly in this area.

The Chairman: Thank you. Before I put the question, Mr. Otto, would you like to...

Mr. Otto: I think, Mr. Chairman, that you are putting the question on the estimates on page 282.

The Chairman: I am putting before you Item 25.

Mr. Otto: Someone should at least mention some items on this page. However, before we do that I would like to make a motion. (For motion, see Minutes herein).

The Minister mentioned, I think, earlier in his remarks that many of the problems are caused, as was said, when there are personal interviews. A clerk may get up on the wrong side of the bed, but in addition that it is almost an occupational hazard. He faces the same people day in and day out and there is almost a natural barrier that forms.

In my area the mail system has been very, very successful.

Mr. Mackasey: It has been?

Mr. Otto: It has been very, very successful, because it eliminates this personality complex. What percentage of the claims are now filed under the mail system?

Mr. DesRoches: All of them.

Mr. Mackasey: Theoretically all of them.

Mr. Otto: Can the Department devise, or has it investigated whether it can devise, a sort of duplicate system by which the employer and the employee fill out a state-

ment, fairly accurately of course, probably under an affidavit with as much detail as possible? If they can mark exams today at university under the automated system, surely we can do this. Has this been investigated so that we would have someone other than the employee confirming the—I do not mean the little cards that you have—I mean some fairly complicated, not complicated, but fairly accurate and lengthy statement?

Mr. Mackasey: Detailed.

Mr. Otto: Detailed form.

Mr. DesRoches: The employer now confirms what the man has said. I do not think the length has any meaning here. We need certain facts, that the person has in fact left the position or else has been dismissed. And we have to know why, we have to know when, and we have to know his general condition. We do not need too many facts to be verified. As long as we know, basically I suppose, that he has been fired, or released, or has left voluntarily, this is about the only fact we need in order to administer our Act.

Mr. Otto: I want to take a little issue with you on this. For instance, the employer who is required to fill in a statement asking if this person is being laid off or discharged can answer yes, because after all there is the pressure of the employee. But if he also has to say "do you intend to fill the vacancy with someone else?", as an employer I have second thoughts but I am going to answer the first one. Indeed, I am quite positive that you could make a statement almost foolproof so that an employer cannot be blackmailed into filling out a statement that may not be false, but certainly questionable.

Has the Department made an investigation or any research into this type of form, putting more of the burden on the employer other than just making it easy for the employee to go and have a baby or whatever it is?

Mr. DesRoches: I think there is a difference in philosophy here. This is a bipartite or tripartite contributory fund. In the States—I do not want to criticize their system—the contributions are made by the employer, and as a result there is a very strong interest on the part of the employer, and there are lobbies to try to bring into disrepute, if you like, the claim by the claimant.

• 1140

We do not have this philosophy here. All we are trying to verify is certain information so that we can determine whether the person is entitled and what the conditions are. As long as we have this information, I do not think we need any more the way the legislation now stands.

I am not sure that I am answering your question, but this is all I can think of at the moment. We need certain facts and as long as we get these facts, we can make a decision. Now there could be collusion; we realize this and of course we try by whatever ways and means we have to prevent this. But certainly an employer could say he is releasing this employee, and the employee could be pregnant. But then some employers release pregnant women because they do not want them on their staffs, so there is an area of judgment here. Some employers do not want them so they are in fact released because they are pregnant.

Mr. Otto: Mr. DesRoches, I think you have answered my question, but not in the way, not saying anything further about details. I am speaking of a particular case. Let us suppose that the employer would have to do more than just to say that this person is being laid off. If the employer also had to fill in a form—say it is a woman who is going to have a baby—"are you aware", or in other words, "is the employee pregnant, yes or no? Is this the cause?"

Mr. Chairman, the reason I put it this way is that we do have a great deal of trouble with these fraudulent claims. It is doing the Department no good; it is doing the beneficiary of the claim no good. We have to issue writs; we have to take them to Court, and all of this. A great amount of this can be prevented by knowledge of the situation.

The Chairman: We will place the motion, with copies, broad enough to include considerations of this kind in terms of policies and procedure. Therefore I wonder whether the ideal time to raise this question would be when the Minister appears before the Committee to discuss the question of policy of the Unemployment Insurance Commission as you are putting it in the motion.

Mr. Otto: I will grant that then. I will just go on to the two items in the estimates; one is Publication of Departmental Reports and other Material, \$431,900. Has any research been done by your Department as to whether

these publications are read? Are they read by the right people, are they understood? In other words, have you had any readership surveys on this type of publication?

Mr. DesRoches: Let me explain that some of these publications are purely factual publications to assist the employer, for example a handbook to tell him what he has to do. This is an absolute requirement when the Act is changed. It is a fairly substantial cost this year because we had to explain the new legislation. So this was not a matter of testing readership. I can recall only one complaint that we have had about this publication. Somebody took exception to the fact that we had threatened to take certain action if he did not comply. I can recall only one complaint out of 400,000 so as far as I am concerned these handbooks serve their purpose.

When we get into the publication area, I think we have had very few publications because we are just getting into public relations. One has been a small pamphlet entitled *The Right of Canadians* and this has certainly been well received at the CLC Convention and any other places we have distributed it. We do not have too many other publications except annual reports and purely business ones, but we would like to move into this area in a small way, primarily as the Minister mentioned earlier, to explain, to people what their rights are and what they are entitled to and what they should and should not do. So I think in that sense we are putting a modest effort in this budget and perhaps about the same amount next year to try to get this on the road. But basically our publications are—I will not say the staid old type—but they are the standard type to provide information to people.

The Chairman: Just a moment. May I ask members to help us in obtaining the present level of quorum so that we may complete the meeting.

• 1145

Mr. Otto: I will be very brief. This is on the very same point, Mr. DesRoches. Most, in fact just about all, the printing industry retains research consultants or other agencies to tell them whether their publications are being read, understood, or are doing the job. What I am asking is, in this publication that you foresee, are you planning to have such research done so that when you do publish this and distribute it, it will do the job that it is supposed to do?

Mr. DesRoches: Absolutely, to the extent that our budget will permit. This is why we have hired a Director of Public Relations.

Mr. Otto: Thank you, Mr. Chairman.

The Chairman: Mr. Breau had a short question.

[Interpretation]

Mr. Breau: Mr. DesRoches, what criteria do you use to decide if an employer should use stamps or make a bloc payment. Why should you not leave it up to the employer? Because there could be problems, some prefer stamps, others prefer other ways.

Mr. DesRoches: Let us say that the system started with stamps, and we are gradually trying to change it into a bloc system. But the choice is up to the employer. At this moment, we try to convince him that the bloc system is more efficient and more economical, for his own benefit, and for his employees' benefit,

as well as for us. There is no coercion on our part, so as to impose a system. However we do prefer the bloc system. Gradually, we try to convince the employers, that it is a system that is more appropriate for them as well as for us. However there is no coercion. The only other factor on our side is finding out whether the employer has a good accounting record with us. With stamps, we have a more accurate means of checking, as we are used to working with this system.

[English]

The Chairman: Thank you. I will now put to you the motion of Mr. Otto, followed by Item No. 25.

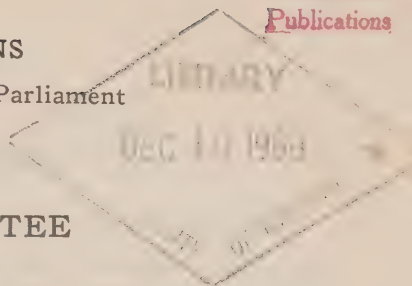
(See Minutes Herein)

The Chairman: Item No. 25 is next.

(See Minutes Herein)

The Chairman: The Committee is adjourned to the call of the Chair.

HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968



STANDING COMMITTEE
ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 3

TUESDAY, NOVEMBER 12, 1968
THURSDAY, NOVEMBER 14, 1968

Revised Main Estimates (1968-69) relating to Manpower
and Immigration

INCLUDING SECOND REPORT TO THE HOUSE

APPEARING:

The Hon. A. J. MacEachen, Minister of Manpower and Immigration

WITNESSES:

From the Department of Manpower and Immigration: Mr. R. B. Curry, Assistant Deputy Minister (Immigration); Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. W. R. Dymond, Assistant Deputy Minister (Program Development Service); Mr. J. C. Morrison, Director General of Operations; and Mr. F. V. S. Goodman, Director, Manpower and Information Analysis Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance

and Messrs.

Alexander,
Breau,
¹Brewin,
Broadbent,
Dumont,
Knowles (*Norfolk-
Haldimand*),

Loiselle,
McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,
Otto,
Paproski,

Roy (*Timmins*),
²Skoreyko,
Thompson (*Red Deer*),
Turner (*London East*),
Weatherhead,
Whiting—20.

Michael A. Measures,
Clerk of the Committee.

¹ Replaced Mr. Knowles (*Winnipeg North Centre*) on October 30, 1968.

² Replaced Mr. MacEwan on November 7, 1968.

ORDERS OF REFERENCE

WEDNESDAY, October 30, 1968.

Ordered,—That the name of Mr. Brewin be substituted for that of Mr. Knowles (*Winnipeg North Centre*) on the Standing Committee on Labour, Manpower and Immigration.

THURSDAY, November 7, 1968.

Ordered,—That the name of Mr. Skoreyko be substituted for that of Mr. MacEwan on the Standing Committee on Labour, Manpower and Immigration.

THURSDAY, November 14, 1968.

Ordered,—That the Standing Committee on Labour, Manpower and Immigration be empowered to sit while the House is sitting.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

TUESDAY, November 12, 1968.

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

SECOND REPORT

Your Committee recommends that it be authorized to sit while the House is sitting.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

Note: Concurred in Thursday, November 14, 1968.

MINUTES OF PROCEEDINGS

TUESDAY, November 12, 1968.

(3)

The Standing Committee on Labour, Manpower and Immigration met at 9:44 a.m. this day, the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Breau, Brewin, Broadbent, Caccia, Dumont, Knowles (*Norfolk-Halldimand*), Lachance, Loiselle, McNulty, Paproski, Roy (*Timmings*), Thompson (*Red Deer*), Turner (*London East*), Weatherhead—(14).

Also present: Mr. Dinsdale, M.P.

In attendance: From the Department of Manpower and Immigration: Mr. L. E. Couillard, Deputy Minister; and others.

The Chairman introduced Mr. Couillard and the others in attendance.

The Chairman reported that the Minister, who was expected to appear this day on item 1 of the 1968-69 Revised Estimates relating to Manpower and Immigration, was unable to be present due to unavoidable circumstances.

After some discussion, it was agreed that the aforesaid item 1 of the estimates should first be considered by the Committee when the Minister is present.

After further discussion, on motion of Mr. Broadbent,

Resolved,—That the next meeting of the Committee be held as soon as possible and if necessary the Chairman, on behalf of the Committee, seek authority for it to sit while the House is sitting.

At 10:06 a.m., the Committee adjourned to the call of the Chair.

THURSDAY, November 14, 1968.

(4)

The Standing Committee on Labour, Manpower and Immigration met at 3:49 p.m. this day, the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Alexander, Breau, Broadbent, Caccia, Dumont, Knowles (*Norfolk-Halldimand*), Lachance, Loiselle, Muir (*Cape Breton-The Sydneys*), Murphy, Otto, Paproski, Roy, Turner (*London East*), Weatherhead, Whiting—(16).

In attendance: The Honourable Allan J. MacEachen, and from the Department of Manpower and Immigration: Mr. L. E. Couillard, Deputy Minister; Mr. R. B. Curry, Assistant Deputy Minister (*Immigration*); Mr. J. P. Francis, Assistant Deputy Minister (*Manpower*); Mr. W. R. Dymond, Assistant Deputy

Minister (*Program Development Service*); Mr. J. C. Morrison, Director General of Operations; Mr. F. V. S. Goodman, Director, Manpower and Information Analysis Branch; Mr. L. E. Davies, Acting Director, Financial and Administrative Services; and Mr. J. C. O'Connor, Acting Director, Personnel Service.

The Chairman called item 1 of the 1968-69 Revised Estimates relating to Manpower and Immigration, namely

Item I Departmental Administration etc\$4,771,300.

The Chairman welcomed the Minister and those others in attendance.

The Minister gave an opening statement on completion of which he was questioned, assisted by Messrs. Couillard, Curry, Francis, Dymond, Morrison and Goodman.

During the latter part of the questioning from 4.43 p.m. to 5.51 p.m., while Mr. Caccia sat among the members and asked some questions from time to time, Mr. Otto was Acting Chairman.

Mr. Caccia took the Chair upon completion of the questioning.

Item 1 having been allowed to stand, the Chairman thanked the Minister and those others in attendance.

At 5.53 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, November 14, 1968

The Chairman: There is a quorum and I call this meeting to order. The item before you is Item 1 of the 1968-69 revised estimates in the amount of \$4,771,300. You will find it on page 296 with a breakdown on the following pages.

Department of Manpower and Immigration
Departmental Administration

1. Administration, Operation and Maintenance\$4,771,300

May I, on your behalf, welcome the Honourable Allan MacEachen, the Minister of Manpower and Immigration, and the officials who are here from the Department: the Deputy Minister, Mr. Couillard; Mr. Curry, the Assistant Deputy Minister in charge of Immigration; Mr. Francis, the Assistant Deputy Minister in charge of Manpower; Mr. Morrison, the Director General of Operations; Mr. Davies, the Acting Director, Financial and Administrative Services and Mr. O'Connor, the Acting Director of Personnel Services.

• 1550

There are two gentlemen whom I did not call. They are Mr. Dymond, the Assistant Deputy Minister, Program Development Service and Mr. Goodman, the Director of Manpower Information and Analysis.

We shall proceed without delay and the Minister has kindly consented to make some opening remarks.

Hon. Allan J. MacEachen (Minister of Manpower and Immigration): Mr. Chairman and gentlemen, I welcome the opportunity to meet the Committee and I am sure the officials of the Department are equally pleased at this opportunity to discuss what we are doing in the Department.

I should like to begin by giving a general statement about the objectives of the Department and then we have all the officials here. There may be many questions requiring an explanation of our policy and practices that you want to cover, and I will be here at any time later on to deal with any policy questions that you want to have out with me on any particular matter.

Last year my predecessor presented the estimates of this Department. He concluded by pointing out that the aim of the government was that Canada should have the best manpower programs and services in the world. That was his goal and it continues to be the goal of the Department and the government.

The aim, I think you will admit, is ambitious but its attainment is essential to our national growth and prosperity. Our manpower and immigration programs exist and must be expanded to increase our Gross National Product and the productivity of our labour force. As the Economic Council of Canada pointed out four years ago—

High employment can be sustained without rising prices and a deterioration of the nation's balance of payments only if there is sufficient use of manpower resources. This requires an active and positive labour market policy integrated with general fiscal and monetary policy.

The purposes, programs and objectives of this Department are fundamentally economic, but to achieve these economic goals we must deal on a face-to-face basis with tens of thousands of people every day. The central key to the effectiveness of our policies and programs lies in our counsellors at home and abroad; they are the people who must deal with the very complex needs of individual human beings to make sure that we maximize benefits to them and to the economy.

As you know, our two operating wings are the Manpower division and the Immigration division. They are supported by groups concerned with research, program evaluation and development, staff training, administration and so on.

The primary function of the counsellors in our Manpower Division is to arrange the placement of individual workers in permanent jobs. To be effective, they must have and be able to communicate a comprehensive knowledge of present and future jobs and vacancies. They must relate the worker's interests, his underlying abilities, and his present capacity to perform in a particular occupation to

the full range of possibilities that exist or can be opened up.

• 1555

People come to our more than 250 full-time service Canada Manpower Centres to get jobs and the services provided at the Manpower Centres are directed toward that end. For many persons—clients—those with established occupations that are in generally good demand and that utilize their own individual talents productively, the only question is how quickly a suitable job can be suggested. But many people, those with handicaps or with special employment problems of various kinds, require careful career counselling based on the best available labour market information and their own desires and aptitudes. If there is no suitable job right away, the answer may be retraining or rehabilitation, or even a move to the job. Our counsellors must know the realities of the market, as well as the desires of the people they deal with.

The necessary information system about job vacancies, employer requirements, education and skill requirements, occupational trends, available training courses and labour market conditions both locally and in other centres is already substantial, but needs to be and is being further developed. It is a crucial element in minimizing the time that jobs go unfilled because of a lack of information, training or mobility. Filling jobs faster reduces frictional unemployment and helps the economy approach more closely its full productive capacity.

A very important part of what manpower counsellors do is to see that people whose skills are no longer in demand get the retraining they need. This is done through the program for the occupational training of adults which accounts for over half the budget of this Department.

This program, the occupational training program, is now a year and a half old and we are beginning to see the results of some of its accomplishments. We believe that they are better than had been originally hoped for. The preliminary indication is that the costs are repaid several times over.

Far too many workers who come to our manpower centres just do not have the skills and training that a modern economy demands. Mainly, that is the result of very rapid technological change that we have had during the past two decades and the

inadequacy of the investment we had made earlier in coping with it. The young person or the youth who went through school 30, 20 or even 10 years ago entered a job market that demanded relatively few skills or relatively little in the way of skills. The school system in those days provided them with what little they needed. Now, as the old kinds of jobs disappear, they find that they lack the education and training they need for the new and expanding occupations.

The effect of rapid technological change has created an immense generation gap. Every second person over 45 years old now in the labour force never got beyond Grade 8 education and very few got any occupational training after that. In contrast, people between 20 and 24 years old in the labour force are collectively much better off; fewer than one in five had as little as an elementary school education and a vastly larger percentage of them have been to a university, a technological institute, a community college, a trade school, or a vocational high school.

Canadians last year spent well over \$8 billion on the education and training of youth; our expenditure of \$150 million on adult occupational training last year, and our one-third expansion to \$200 million this year is substantial. It should be and must be further increased as we can increase it. If we do not provide the training and retraining that the mature adults in our labour force need, technological change will leave them farther and farther behind.

Under the occupational training program for adults the counsellors in our Canada Manpower Centres select the adults who most need and will most benefit from occupational training. If a man does not need training, or if he does not want it, or if training is not the answer to his problem, it is not forced upon him, but when it is the answer our manpower counsellors are able to see that he gets it. This is done mainly through federal payment to the provinces of the costs of providing that training. The training can take place in a provincial or municipal institution, in industry or, when necessary, in a private training school. The federal government, the federal Parliament, pays the full cost of training the adults that we refer to courses. In a sense we are acting as the banker for adults who need and want retraining; what they lack is the cash to buy it. By providing the funds we help to make their demand for training effective.

If these mature workers are going to get the retraining they need to keep up with change, they must have an income to maintain themselves and their families while they do it. Last year the income replacement allowances ranged between \$35 and \$90 a week. They are intended to provide a modest replacement that will be somewhat below the average wage level in manufacturing but generally somewhat above unemployment insurance. This July, in recognition of the increases in general wage levels, we have raised the allowance rates to make sure that training remains a realistic option for those who need it. The new weekly rates range between \$37 and \$96, varying mainly with the dependents a man or woman has.

• 1600

We continue, of course, our co-operation with the provinces in the provision of capital facilities for the occupational training of both adults and young people. We share their capital costs at a 75 per cent or 50 per cent rate, until they have drawn upon us for \$800 for every person aged 15 to 19 in 1961. We pay the provinces, we help the provinces build adult training centres, community colleges, technological institutes, trade schools, and vocational high schools. Because their needs continue to be great, and because more facilities for adult training are badly needed, I shall later ask you to transfer some \$20 million of other funds to use for this purpose. That will enable us to keep our payments up to the \$100 million level this year.

I will not say more about our training program because I have a feeling that I do not need to convince the members of this Committee of the value of the training program and maybe we have ideas as to how it may be improved. We regard it an essential part of the integrated service that our Canada Manpower Centres must provide. It is what lets us provide workers whose skills have been robbed of value by the increase of technological change with new skills, new options, and new jobs. By doing that we are making a major contribution to the rate of growth of productivity, and toward the attainment of the goals of high employment and substantial price stability that have been outlined by the Economic Council of Canada.

We must, though, see that this very large program—about 294,000 people were in training under our legislation last year—is conducted efficiently and effectively. That is the only way we hope to get the maximum bene-

fits out of the large sums we are now spending. We are increasing our research on training, we are making major strides in providing the forecasts and other labour market information that let us decide what skills we should train for, and we are collaborating with the provinces who are responsible for the actual training to foster experimentation in developing new and better training methods for adults. We are also strengthening our facilities to assist the provinces in the development of interprovincial trade standards so that the skill a man acquires in a course in one province will be recognized by employers across the country.

• 1605

In parallel with the development of our forecasting and labour market analysis capacity, we are increasing the consultative and manpower planning services that we provide to employers and workers. The Manpower Consultative Service, in circumstances of technological or other change that threatens to displace workers, fosters joint action on the part of labour and management to plan for the re-establishment or retraining of workers either to fill the new jobs created within the firm by the technological change or to find new employment outside it. We hope to strengthen this Manpower Consultative Service and make it more effective and ask it to perform a better and wider function in the economy.

Of course there is another class of workers who do not need retraining. They have lost their capacity to earn a livelihood in one particular locality but their skill may, at the same time, be in high demand in some other locality in Canada. We have made provisions for these through our mobility program. The mobility program, which provides both relocation grants to those for whom we have already arranged jobs elsewhere and exploratory grants to others to seek employment where the prospects are good. In 1966-67, when the program operated on the basis of loans and grants and a combination of the two, some 2,300 were relocated to new jobs. Last year, following major improvements in the program and its conversion to a simple grant basis, some 5,600 people took relocation grants and another 4,400 received grants to search out new jobs. This year, we have extended the program to cover the underemployed as well as the unemployed; the consequence has been a further increase in the number of people who benefit from the program.

I must say that there are still some who think that the effectiveness of our manpower operations should be measured by the simple number of placements that we make. They forget that we are now doing a great deal more than that, that immediate placements are only part of our job, and that we can place a man in a job only when that job exists. Our job is to see that workers get proper counselling, that vacancies get filled as rapidly and effectively as possible, that the people who cannot fill the vacancies get rehabilitation or retraining so they can fill them, and that people who need and wish to move to new opportunities have the funds to do so. Our job is not to refer people to temporary work just for the sake of getting our placement numbers up.

Well, Mr. Chairman, I apologize for the length of this part of the statement. I would like now to turn to the other major responsibility of my Department—immigration. Canadian immigration policy, as it was presented to the House of Commons in a White Paper in October 1966, continues as the basis for discharging the responsibilities of the Department. You will recall that the new regulations which took effect on October 1, 1967 were made following very extensive and useful discussions of the White Paper by a special joint committee of the Senate and House of Commons.

These new regulations have been well received at home and abroad. They not only give effect to the policy of universality and non-discrimination but they do relate the flow of immigrants to the economic needs of Canada and give greater recognition to family relationships.

Two hundred and twenty-three thousand immigrants came to Canada in 1967. This is more than in any post-war year other than in 1957 when the immigration movement was increased to 282,000 by the exceptionally troubled state of affairs abroad. Indications are that even with the current Czech refugee movement, the number of immigrants to Canada in 1968 will be somewhat reduced from 1967. Over 136,000 immigrants arrived in Canada by the end of September. About 3,500 Czechs had arrived by the end of October, and I daresay, now there are about 5,000 who have come to Canada.

• 1610

The reduced movement is caused by many factors, some of which have their origin in source countries. However, the selection cri-

teria introduced by the new regulations in October last year were expected to respond to the economic situation in Canada and there is every indication that this is happening. The economic situation reflected in our labour market information is made known to immigration officers throughout the world and that knowledge is used in their selection and counselling of potential immigrants.

In this way, the changing demand for labour in turn results in a comparable change in the rate of intake of immigrants.

Another significant factor in the immigrant movement is the increase in the number of French-speaking immigrants who are arriving in Canada. The number of immigrants from France alone has increased from less than 3,000 in 1958 to more than 10,000 in 1967. As immigrants are now being selected on a universal basis, they are arriving in Canada from other French-speaking countries in addition to France, including Belgium and Switzerland.

It is reasonable to expect that the new regulations that were adopted have to be modified from time to time as required to ensure that they serve the objectives for which they were designed and to ensure we will continue to receive immigrants who make a maximum contribution to our economic growth. At the same time, due weight is being given to the humanitarian considerations involving family relationships and the plight of refugees.

The other major area of activity in the immigration program involves the movement of persons other than immigrants into and out of Canada. Canadian citizens and residents returning from abroad and those of other countries entering Canada on a temporary basis place a heavy workload on the immigration staff. This movement is increasing tremendously and in 1967 involved about 74,000-000 persons. So that is a pretty heavy workload. And of course it must be controlled in order to safeguard the Canadian public against criminal elements and protect our security. This control must not prejudice the freedom of the individual or the legitimate interests of the persons involved. This ever-increasing movement must be handled with speed and courtesy and requires an efficient staff adequate in size to meet the demands which are placed upon it by the travelling public.

The estimates of this department are up only moderately over last year considering the magnitude of the job that we must do. To

provide effective employment counselling, to find the right people for vacant jobs, to retrain people to fill jobs, to move people to find jobs, to rehabilitate people to take jobs, and to conduct a fair, effective and universal immigration program that brings to our shores a number of people not far below 1 per cent of the existing population, is an immense job. I believe it is a job that must be done better and more efficiently and for more people. It is crucial to our economic growth. If we want more growth, we must do more and we must be ready to pay for it.

• 1615

We are spending a pretty good sized chunk of the federal budget. In some persons' minds it may be a modest amount but in my mind it is a very sizable chunk of the annual budget. I am concerned that these funds are spent wisely and that they are bringing about the results that we want as Canadian citizens.

I have mentioned a number of the improvements that we have recently made in our programs and the changes that we have made to increase their effectiveness. We are introducing new and more effective program planning and budgeting techniques, including cost/benefit studies of our programs. We are also beginning to conduct experiments in new and (hopefully) more efficient ways of doing our work.

One small example may be of interest. For some months, we have been conducting field trials of powersorting machinery in two of our offices on the Prairies. The qualifications and job preferences of workers and the qualifications that employers ask for in their job orders are placed on punch cards. The machinery rapidly sorts the cards to find the best preliminary match. It relieves our professional counselling staff of routine clerical work and it makes sure that none of the possibilities open to the worker is overlooked. The initial limited test has been encouraging; I am now having steps taken to try this innovation on a wider basis.

Our aim is to have the best manpower and immigration services in the world. We have a long way to go, but I think we have made a lot of progress.

To reach the final goal, to make our services the best in the world, we will have to continue to improve our services, increase the efficiency of our operation and the capabilities of our staff and make available the resources that are needed to do the job.

The Chairman: Thank, you very much, Mr. MacEachen. Some members have already indicated a desire to ask questions. Will you have them address these questions to you?

Mr. MacEachen: Yes, but if I think someone else can do a better job of answering certain questions I will refer them.

Mr. Muir (Cape Breton-The Sydneys): Mr. Chairman, has any consideration been given to distributing the Minister's statement, which is sometimes done in Committee? It is a very interesting statement.

Mr. MacEachen: Yes, we would be pleased to have copies distributed.

The Chairman: Copies will be distributed to members either today or tomorrow.

Mr. MacEachen: Copies will be made immediately and sent out at the first opportunity.

Mr. Otto: Mr. Chairman, the Minister has said that he will have a chance to review with us policy decisions at a later time. Does that mean that after we finish these estimates you will provide another opportunity for us in this Committee to get together with you and, if so, under what format are you going to do that?

Mr. MacEachen: I thought that if, after you went through the estimates and asked all the factual information that you require, there were policy issues you wanted to discuss before you completed the estimates, we could provide for that. That is what I had in mind.

Mr. Otto: We are of course most anxious to get our teeth into the administrators.

Mr. MacEachen: Yes, by all means.

• 1620

Mr. Otto: Mr. MacEachen, you outlined a fairly detailed manpower program. Have you or your department given any consideration to involving industry in the retraining schemes to the extent that where employees are likely to go back to the same industry or the same plant some participation by the industry be considered in order to raise the level of benefits? In many cases persons being retrained find it very difficult to get along on \$50 or \$60 a week. I have heard of some cases—acquaintances of mine—where the individual probably would be willing to contribute a certain portion to bring that salary up, but my understanding is that there is no such provision in the department and any

inquiries in that regard have been unsuccessful. Do you anticipate a change in that program?

Mr. MacEachen: Who would like to speak to that?

Mr. J. P. Francis (Assistant Deputy Minister, Department of Manpower and Immigration): Mr. Chairman, if I understand the question correctly, we do provide a considerable amount of training in industry now. We have had under the new training program a total so far of over 425 individual training-in-industry arrangements—that is, involving individual companies.

Mr. Otto: Mr. Francis, let me put it to you this way. An employee earns, let us say, \$110 a week. He comes under the Manpower program. He is allowed \$60 a week. He cannot do it on \$60. If he earns an extra \$50, will you still give him the \$60?

Mr. Francis: We will make up the difference to the limit of the training allowance.

Mr. Otto: Of the training allowance but not of his former wage?

Mr. Francis: The difference between what the company is prepared to pay him while on training and his former wage. We will make up that difference up to the limit of the training allowance.

Mr. Otto: I see.

Mr. Francis: Now, wait a minute. Up to the limit of the training allowance. If the company will continue to pay him while in training, let us say, 50 per cent of what he was earning before, we will make up the difference up to the limit of the training allowance for which he is eligible.

Mr. Otto: I have given a specific example, Mr. Francis. A man earns \$110 a week. He has applied to Manpower and he is entitled to \$60 a week. The company says we will pay you the other \$50, making it \$110.

Mr. Francis: No problem.

Mr. Otto: Will you still pay him the \$60 a week?

Mr. Francis: Yes.

Mr. Otto: Without regard to his other earnings?

The Chairman: Up to the limit of the training allowance. But not more than \$60.

Mr. Otto: Oh, I see what you mean. I thought that the total was not to be more than \$60.

Mr. Francis: No, no. If the allowance he is eligible for is \$60, then he gets it.

Mr. Otto: So it does not matter if he earns other money, you are not penalizing him as the Unemployment Insurance or other people do?

Mr. Francis: No.

Mr. Otto: I see. Thank you.

[Interpretation]

The Chairman: Mr. Dumont.

Mr. Dumont: Can you understand French well? Yes?

Quebec has set up an Immigration Department this year. How is the government going to proceed to respect the rights of the Quebec Department? What agreements will there be between Quebec and Ottawa regarding immigration?

[English]

Mr. MacEachen: Well, Mr. Chairman, I have read the Immigration Act passed by the Quebec Legislature, but I have had no discussion nor has discussion been sought between the Quebec authorities and the Department of Immigration with a view to working out any possible arrangement. I think that we would be happy to have discussions, but we have not had them, and as a result we have no working arrangement as a result of the new Bill.

Mr. Lachance: May I ask a supplementary question? Since you have read the Quebec legislation, have you seen any matter that is controversial? I mean, anything that comes into conflict with the federal legislation?

Mr. MacEachen: I do not remember in every detail. I think it depends on how it is worked out and how it is interpreted. There could be possibilities of conflict.

Mr. Lachance: I mean any fundamental ones?

• 1625

Mr. MacEachen: I do not think that there are obvious conflicts that are spelled out in the legislation. Mr. Curry may have some other comments, but in terms of, for example, citing to the Quebec Department the

functions that we think we ought to provide under the Constitution, I have not seen any of these.

[Interpretation]

The Chairman: Mr. Dumont, if you have any other questions...

Mr. Dumont: Let me give you a possible example. The federal government does not recognize Gabon at the present time. If Quebec decides to invite people from Gabon, would this not be in conflict with your immigration policy?

[English]

Mr. MacEachen: We do not take any exception to Quebec showing an interest in immigration. We think it is a rather good thing. Ontario has been in the field and has shown a great interest. We have worked with the Province of Ontario and I think we can work with the Province of Quebec. I think it would be wrong to conclude that we are taking a necessarily negative attitude. We worked with Ontario in the field and we could work with Quebec. But we have not worked out any arrangement and it would be, I think, premature to talk about any arrangement that could take place without discussions with the Quebec people.

We have no special barrier to immigrants from Gabon. They would be as free to qualify as immigrants from any other country.

[Interpretation]

Mr. Dumont: One last question. Why were travel expenses payments done away with? In the county of Frontenac, for instance, between Plessisville and Victoriaville, there is a distance of at least thirty miles. All the people from Plessisville who attend retraining courses in Victoriaville receive no reimbursement for their travelling expenses. In the past they used to get it, but this year it was done away with.

[English]

Mr. MacEachen: Well, I gathered that we did pay transportation, at least in the commencement of the course and the return. I am sure that is still the practice.

[Interpretation]

Mr. Dumont: Not in my region. I have had a lot of complaints regarding this. People from Plessisville and Victoriaville are not getting any compensation for travelling expenses.

[English]

Mr. MacEachen: For their daily travel to the school? We have never had a policy to pay for a daily travel. We have a policy of reimbursing trainees when they enter the course and if they return from the course, and that is still in effect.

[Interpretation]

Mr. Dumont: But last year, there was an amount paid for travelling from one city to another. This ought to be done especially when there is quite a distance involved.

[English]

Mr. MacEachen: Would this be for daily travel expenses?

[Interpretation]

Mr. Dumont: Yes, for retraining courses. Instead of an allowance, the travelling expenses were paid. That was done by the week. There was an additional amount allocated for the course. I knew of such cases in Quebec City.

[English]

Mr. MacEachen: Well, there is no daily, what about weekly?

Mr. Francis: We pay a training allowance, but we do not pay their commuting expenses, for example. If they have to move to another community to live in that community, then we will pay the costs of moving to that community, but we will not and we never have paid the cost of going each day, 30 miles and back again.

Mr. Loiselle: But, Mr. Chairman, did the Department ever do that in the past—pay daily travelling expenses?

Mr. Francis: To my knowledge, we have never done that.

The Chairman: The next question is from Mr. Roy.

Mr. Roy (Timmins): Yes, Mr. Chairman. There has been some talk, Mr. Minister, of a human and economic resources department. Is this still in the talking stage or is the Manpower Department set now in the Manpower and Immigration Ministry?

Mr. MacEachen: I have not heard any recent—any discussions really about a department of—"human resources" you called it?

Mr. Roy (Timmins): This is a possible department.

• 1630

Mr. MacEachen: I think that we are a department of human resources certainly in several senses. There are other departments in the Government. But in direct answer to your question, there is no plan at the present time to change the name of the Department.

Mr. Roy (Timmins): The terms of reference of the Department or the responsibilities of the Department—are these set down? They have changed in the past four or five or several years, have they not?

Mr. MacEachen: This Department received its mandate really when the immigration function and manpower function of government were brought together. Immigration was formerly in the Citizenship and Immigration Department and many of the manpower functions that are now performed by this Department were in the Department of Labour. It was concluded that the most effective way to implement a manpower policy would be to bring at least all the manpower services under one head and to bring another important aspect of manpower, supply and training of manpower—immigration, along with it. Those are the two main functions of the Department—the manpower side and the immigration side. I think we do have now in the manpower side all the functions that are essential to a co-ordinated manpower service for Canada.

Mr. Roy (Timmins): So that you feel there will be no basic change in policy in this Department in the near future?

Mr. MacEachen: I would not say that.

Mr. Roy (Timmins): Can you make us aware of any basic change?

Mr. MacEachen: No, I do not foresee any basic changes in policy. For example, the occupational training Act was recently passed by Parliament. We have had it in operation for a relatively short time, it is yielding good results, and in my view it would be premature to consider a basic change in that policy at the moment.

In immigration, as members of the Committee know maybe better than I do, the selection criteria were adopted after much discussion and I would gather that we will be watching them very carefully with a view to improving them and changing them, if necessary, in the future. We do hope to bring in an immigration law which will bring together, at

least in one place, the present regulations. We do not think we will do it this session of Parliament but certainly it is an objective.

We have a few other things that we would like to do but in terms of basic policy changes I am not foreseeing any for the moment—unless the Committee will convince us of the necessity for changing some things.

Mr. Roy (Timmins): Further to the questions that were asked on the Quebec Department of Immigration with which you say you have at present no working agreements, if you do not speak to them how are we ever going to get working agreements with them?

Mr. MacEachen: I am sure we will be speaking. The bill was passed just a very short time ago and I expect that when Quebec is ready they will be in touch. I think that my predecessor, Mr. Marchand, did have informal discussions some time ago about methods of working together.

Mr. Roy (Timmins): You do not feel that you should take the initiative?

Mr. MacEachen: Well I do not mind. I would think that in this particular case it would be better to open discussions when Quebec felt they were ready.

Mr. Otto: May I have a supplementary on that, Mr. Chairman?

The Chairman: Yes.

• 1635

Mr. Otto: Mr. Minister, I understand from the publicity given by newspaper reports that the Province of Quebec anticipates their immigration law to be prime law and to supersede federal law. If that is their attitude, why should they approach you?

Mr. MacEachen: I have not read anything in the bill, at least the way that I interpreted it, from which I could draw that conclusion. We still have to issue visas and travel documents in our Immigration Department, and these are important and essential functions for us.

Mr. Otto: In other words, the law as you read it does not conflict at all with ours.

Mr. MacEachen: Perhaps Mr. Curry or others who have looked at the law would like to comment. I certainly do not want to interpret their law but, from my quick reading of it, I did not see that there could not be a basis for co-operation.

Mr. R. B. Curry (Assistant Deputy Minister, Department of Manpower and Immigration): There are two features of their Act that stress things that Quebec to some degree has been carrying on already.

The two features of the legislation that I think are important are on the selection side and on the integration of immigrants after they come to the Province of Quebec. The legislation carries their practice a bit further and formalizes it. Quebec has not been completely quiescent in the immigration field already. They have had a director of immigration, Mr. Gauthier, with whom I have been dealing for several years now, but they have now formalized their activities in a piece of legislation. But the legislation looks as though they meant to concentrate their activities to some degree to help and to select immigrants and to a much greater degree to take further measures to integrate them into the Quebec life and economy.

Mr. MacEachen: Mr. Curry, you have been working also with Ontario.

Mr. Curry: Yes, indeed.

Mr. MacEachen: They have been in the field.

Mr. Curry: Very much so. Their prime office is in London but Quebec has had some activity already at Quebec House in Paris over some time.

Mr. Otto: You are saying that the integration part of their law...

Mr. Curry: Yes.

Mr. Otto: ...does not in any way restrict the integration of their immigrants once they arrive here, that it conforms pretty well with our law.

Mr. Curry: It is not at cross-purposes. As a matter of fact, I would judge that the activities of the federal and provincial government can be completely and effectively co-operative.

Mr. Roy (Timmins): Thank you.

[Interpretation]

Mr. Dumont: I have a supplementary. Could we not invite the Quebec Minister of Immigration to come here so that the members of the Committee could question him about his prospective policy? Why not call a special meeting for that purpose?

[English]

Mr. MacEachen: Well, I want to pass my own estimates without help from any other Minister, even a distinguished one from Quebec.

The Chairman: Mr. Muir, do you have any supplementary questions?

Mr. Alexander: Mr. Chairman, on a point of order. You know, we ran into this difficulty once before. I have the greatest respect for all my friends but, if we allow supplementaries whenever requested, we could be here all night without providing adequate time for members to pursue any particular areas in which they are interested. In all fairness to my good friend at the rear—I would certainly go along with his—I think that there should be some semblance of order in the way supplementaries are allowed.

The Chairman: Shall we allow Mr. Alexander to proceed?

Mr. Alexander: No, I will bow to my friend. I just wanted to bring this point to the Chairman's attention.

Mr. Muir (Cape Breton-The Sydneys): I understand Mr. Alexander's problem and I will not take very much time. I was just going to pose a question to the Minister but it was intimated by Mr. Curry and the Minister that this had taken place.

Was it not correct that when George Drew was Premier of Ontario an immigration office was set up, that we still have them in Britain, and they brought in British immigrants by the thousands? How does the proposed arrangement with the Province of Quebec differ from the arrangement already in force with the Province of Ontario, or is there any difference?

Mr. MacEachen: I think the answer, Mr. Muir, is that we do not know what any proposed future arrangement will be because we have not had any discussion. We would have to work those out as a result of discussions. Really what we have been talking about is a reading of their bill and what we have read about in the newspapers and I think when we do have the discussions then it will be a matter of policy to decide what arrangements can be worked out.

• 1640

Mr. Muir (Cape Breton-The Sydneys): So it would appear that any questioning now is quite premature?

Mr. MacEachen: I think on that subject it is because we cannot tell you anything more than we have said.

Mr. Muir (Cape Breton-The Sydneys): And it is planned to have discussions?

Mr. MacEachen: I think it is in the works, certainly.

Mr. Muir (Cape Breton-The Sydneys): Thank you.

Mr. Alexander: My questions in that area have been answered, Mr. Chairman. I was primarily interested in what was stated by Mr. Curry and Mr. Francis. It is my understanding, as far as our immigration policy is concerned, that the federal government does in their wisdom bring people to this country to integrate them into the entire way of life of Canada, not in the way of life of any particular province as such. Correct me if I am wrong, but I was of the understanding that Quebec intends to integrate them into their way of life. I want to know if this is their primary intention or whether this was just a statement that was made perhaps inadvertently.

Mr. MacEachen: I really cannot speak for the Province of Quebec. Any immigrant coming to Canada is expected to associate himself with the community life, and certainly from an official language point of view he has a choice of integrating either with the French-speaking or the English-speaking people of the country. That has been the approach of the Department.

Certainly if immigrants came to live in the Province of Quebec it would be desirable that they be assisted to become integrated within the community, including the province, as they would be in Ontario.

Mr. Alexander: Yes; but, Mr. MacEachen may we not be at cross purposes here if the Federal Government's intention is to allow immigration for the development of Canada, as such, and not for any particular province? In other words, what I am questioning now is whether the deputy has just inadvertently said this, or whether it is the intention of the Province of Quebec to integrate the newcomer into Canadian life, as such, from coast to coast, and whether there will be any deep concentration on French culture and background? This is the point I am trying to make.

Mr. MacEachen: I do not really know that I can answer that question for you. Certainly we, as an Immigration Department, are admitting people to Canada in accordance with the laws and the regulations that have been adopted by Parliament. These criteria guide the selection process and the admission of people in the interests of Canada. I think that has been the governing factor.

Mr. Alexander: In other words, Mr. MacEachen, you are saying that the federal legislation shall, in all events, take precedence, notwithstanding any other legislation, be it that of Quebec or of the Province of Ontario?

Mr. MacEachen: What we ought not to do is to get ourselves into saying, or believing, that we cannot co-operate constructively with the Province of Quebec in its interest in immigration.

I do not think I can go beyond that, because I have not really discussed it with the officials of Quebec, to know what they have in mind.

Mr. Alexander: Perhaps I could put it this way: Because at the present time immigration, in many aspects, is a federal matter could we not say that, in the event that we are at cross purposes, the federal legislation shall govern? This is what I am trying to suggest.

Mr. MacEachen: I cannot foresee a situation in which the Federal Government will not have the final authority in admitting people into Canada.

Mr. Alexander: And the plan is that Manpower will also receive a great portion of your interest at the federal level.

I hope there is going to be a lot of very profound discussion on this problem of immigration, and the Minister seems to indicate that although there was not very much in the past there certainly will be a great deal of it in the future.

• 1645

Mr. Chairman, on page 307 of the Estimates, under Immigration, I see the item Exhibits, Advertising, Broadcasting and Displays, and I note that in 1967-68 some \$1,800,000 was spent on it. For 1968-69 I notice it is only \$300,000. What is the explanation of that? It appears to me that in immigration this country has a great duty on it to project the proper image, so that people coming here will know what to expect. This seems to be a vast reduction. Perhaps it is a typographical

error? Perhaps there is nothing wrong, but at one time it was almost \$2,000,000.

Mr. Curry: The answer, Mr. Chairman, is fairly simple. In the year 1967-68 we were still continuing a fairly massive promotional effort in a number of countries, largely in Europe. Probably the biggest expenditure occurred in Britain during that period.

During the present fiscal year, and looking at the requirements of it, it was concluded that that heavy promotion in Britain and in other countries in Europe would not be necessary because the numbers of people that we would likely be able to work into our economy this year might be somewhat less than in the previous year. That is how it is working out.

The promotion effort in France was maintained at a somewhat higher level, proportionately, than was the one in Great Britain because of the imbalance between the numbers of immigrants coming from Britain—which was very heavy—and the relatively slight number that have been coming from France.

In the main, it is the result of a fairly sharp cut-back in promotion.

Mr. Alexander: Thank you. I now hope that perhaps we shall have some of the Exhibits, Advertising, Broadcasting and Displays directed towards our Commonwealth brothers in the West Indies. Has any thought been given to that?

Mr. Curry: Mr. Chairman, if the Member is referring to promotion in the West Indies, we do not, as a matter of policy, promote at all in the West Indies. That is to meet the desires of their own governments. We do not carry on an active promotional policy there, nor do we in any other countries in the world where it is not the desire of the country that we actively seek to promote immigration. This raises a very big problem.

Mr. Alexander: I will pass now, Mr. Chairman.

The Acting Chairman (Mr. Otto): Thank you, Mr. Alexander. Next I have Mr. Knowles.

Mr. Knowles (Norfolk-Halldimand): Mr. Chairman, in the area from which I come, in Norfolk County in Southern Ontario, we have a concentration of many ethnic groups. Some of them have problems in getting visas to come from behind the Iron Curtain.

In the light of the unrest in Central Europe, which no doubt has affected the program, how is the problem of getting visas being met, for immigrants coming to Canada, either as visitors or landed immigrants, from, say, Hungary and Czechoslovakia, and so on?

Mr. MacEachen: Perhaps I will begin and Mr. Curry can fill in.

• 1650

As you know, we have quite a large program for people coming from Czechoslovakia. Canada has probably done as well as, if not better than, any country in the world in facilitating the movement of Czechoslovakian refugees to Canada.

To do that, of course, we have relaxed our normal immigration procedures. People present themselves in, say, Vienna, declare themselves to be *bona fide* refugees and we can have them on their way to Canada in a very short time. In other words, we waive our normal selection criteria.

We have brought these people in, and we did it in response to a humanitarian interest on the part of Canada. Normally, however, we do not, as I understand it, accept independent applications from persons residing in countries behind the Iron Curtain. We do accept sponsored applications from persons behind the Iron Curtain. That is the normal rule that we apply.

Mr. Knowles (Norfolk-Halldimand): May I interject? Suppose a family in Canada has a relative behind the Iron Curtain, would he be considered a sponsored person?

Mr. MacEachen: Generally, yes.

Mr. Knowles (Norfolk-Halldimand): May I cite a particular instance where we have had a problem, and this has been hanging fire since May or June of this year. The person concerned still has to obtain a passport, although the fare has been paid, and the problem seems to be to get a Canadian visa. I suppose the matter of whether a security risk is involved also has to be investigated in some cases, does it? These are matters that they come to me about and want to know why we cannot get them out faster, and if I know some of the answers...

Mr. MacEachen: This is one of the factors involved.

Mr. Knowles (Norfolk-Halldimand): Yes.

Mr. MacEachen: And we find it difficult to make the proper examinations in Iron Curtain countries.

Mr. Knowles (Norfolk-Halifax): What has occurred to me is how do you make security checks behind the Iron Curtain?

Mr. MacEachen: We do not do it because we cannot.

Mr. Knowles (Norfolk-Halifax): No, I would not think you could.

Mr. MacEachen: We do not feel we can do them in a meaningful way.

Mr. Knowles (Norfolk-Halifax): Of course, these people are a bit impatient. It is one of their own family that is involved. They feel there is no security problem, of course, but perhaps they do not know.

Mr. MacEachen: Do you have anything to add to this, Mr. Curry?

Mr. Curry: Mr. Minister, I might be able to help a little bit. I would like to say to the members through the Chairman that we, of course, will welcome him any time he wants to come to talk to us about particular cases and we will be as helpful as we can.

There is a continuous movement of people of the sort that the member describes coming from the various countries of Eastern Europe. We can hardly name a country from which there is not at least a trickle every year, including the U.S.S.R., but the size of that movement depends a great deal upon the attitude of the government of that country with respect to exit permits. We cannot take independent applicants, as the Minister has indicated, except in very exceptional circumstances, but those people who can be sponsored or nominated, as the case may be, by their close relatives in Canada can be considered. It takes some time indeed to get the necessary medical documents and to satisfy the Canadian authorities with regard to security. However, we have an alternative in that we have the people in Canada who sponsor or nominate the person, and if they are reputable people this helps a great deal to make up for the lack of the normal type of check that we would do in Europe in most instances. It takes more time but generally these cases can be worked out if the relatives are fairly close.

Mr. Knowles (Norfolk-Halifax): I come from a predominantly agricultural area and

some of the people there feel, in assessing the number of points required to allow a person to become an immigrant, that while their skills are considered there is perhaps not a particular skill related to agriculture, and yet these people may be trained in that field and may become skillful farmers in this country, as has been the case in our particular area, so we are wondering if where we put too much emphasis on a specific skill, that does not work against an immigration. Is that true, or how is agriculture considered?

• 1655

Mr. Curry: The member has raised a rather difficult question, Mr. Chairman, because I think he has again reverted to a discussion with regard to independent immigrants who apply on their own, where the factors that you are discussing are of consequence. They are relatively minor...

Mr. Knowles (Norfolk-Halifax): I might say that these are not related.

Mr. Curry: If you continue to talk about sponsored people, the close relatives of people already in Canada who want them to come out, then the factor you just spoke about has no application whatever.

Mr. Knowles (Norfolk-Halifax): Yes.

Mr. Curry: Because we do not apply the selection standards against a sponsored immigrant, that is, a very close, dependent type of relative.

Mr. Knowles (Norfolk-Halifax): Is the relationship spelled out in the Act?

Mr. Curry: Oh yes indeed, it is in the regulations.

Mr. Knowles (Norfolk-Halifax): I have one further question. I have had inquiries from people who are not concerned with relatives but with friends in Czechoslovakia and they wonder what Canadians could do to expedite their immigration. I gathered from what you said they had to first get out of Czechoslovakia before they could do anything for them at all. Is that correct?

Mr. Curry: They have to be refugees in the ordinary sense of the word.

Mr. Knowles (Norfolk-Halifax): Yes. You cannot go into Czechoslovakia.

Mr. Curry: No.

Mr. Knowles (Norfolk-Haldimand): They would not let you?

Mr. MacEachen: The border has been opened.

Mr. Curry: The border is still open, so far as we know.

An hon. Member: It is?

Mr. Curry: Yes, to Austria.

Mr. MacEachen: Right into Vienna, so it has been easy for people to move if they wish.

Mr. Knowles (Norfolk-Haldimand): Yes, and when problems have arisen in getting relatives out, some of our people—because of ignorance of the regulations—have gone to unscrupulous agents who have exploited them, they have taken their money and agreed to arrange to have their passports and visa, and so on, procured for them when it was not necessary at all.

Is there a booklet that sets forth in simple terms the steps a that a family should follow in order to get a friend from Europe to Canada, so he would not fall into the hands of unscrupulous people? There is no reason for it.

Mr. Curry: I would say, Mr. Chairman, I do not recall that we have any specific booklet on it but, as the member has put it, I think a good case has been established for it. Perhaps one of our tasks could be the preparation of a very simple document of this sort.

Mr. Knowles (Norfolk-Haldimand): The parish priest in the area of which I was speaking suggested this because he was often questioned on it and he did not know the simple procedures himself. It would not have to be detailed.

Mr. Curry: Mr. Chairman, my colleague, Mr. Morrison, advises me that a leaflet of this sort was put into all our immigration offices within the last year. I presume you could pick that up at any immigration office.

Mr. Knowles (Norfolk-Haldimand): It could be obtained. Thank you very much.

The Acting Chairman (Mr. Otto): I would like to make a remark to the Committee. Many of the topics which are being discussed are specifically covered in the estimates. Four members have yet to ask questions, so if you could confine your remarks to matter of

broad principle, and if any of your questions fit into certain parts of the estimates we will cover that later when the votes are carried.

Mr. Weatherhead:

Mr. Weatherhead: Thank you, Mr. Chairman. Mr. Minister, from what you have said I gather that you expect immigration to decrease fairly substantially during this calendar year. I think you mentioned in passing that perhaps you encountered further difficulties in some of the countries from which immigrants come. We have also heard it said since you spoke that perhaps our decrease in promotion may have had something to do with the decrease. I wonder if there are any other main reasons for the decrease in immigration this year?

Mr. MacEachen: I think we mentioned the source countries. The promotion is not as conducive to people leaving but we think that the selection criteria, which is related to demand for labour in Canada, has had an effect in reducing the flow. In other words, they have been responsive to the changes in demand in Canada. I think these are the principal reasons. I have been quite interested in this aspect of the situation. These are the main conclusions I can draw as to the reason for the decrease. When we have completed our refugee movement we may see that the percentage decline over last year may not be as worrying, because we did have a big movement.

• 1700

Mr. Curry: It will be about 185,000, so far as we can forecast this year.

Mr. Weatherhead: So, Mr. Minister, may I take it that the somewhat new point system that has been in effect for the last year or so would have had some influence in that respect?

Mr. MacEachen: Yes, I think that is the case. I wish to add that, as I understand it, one of the objectives of the system was to relate the intake to the demand situation on the labour market.

Mr. Weatherhead: Mr. Chairman, I believe the Minister mentioned that there was a general objective as he saw it, of having perhaps an immigration of 1 per cent of our population per year, which I gather would be about 210,000. I was wondering, Mr. Minister, on what general basis you would put that figure

of 1 per cent as being a desirable figure. Why not somewhat more or somewhat less?

Mr. Curry: Mr. Chairman, I think the Minister said that the figure would be, for statistical purposes, not far below 1 per cent of the population. It is an observation rather than a target.

Mr. Weatherhead: Mr. Chairman, I wonder whether we do have a general objective figure in this line. Do we think that around \$200,000 is about the right figure at the present time, or might it vary widely from year to year?

Mr. MacEachen: I think that it is bound to vary; how widely, it is difficult to tell. But it is bound to vary if the selection criteria are closely geared to the demand for labour in Canada. If the demand is strong in certain occupations, then that information is conveyed and accordingly higher wages are given in that occupation, and the flow would increase. If the demand goes to nothing, then that occupation gets very little weight. So, I have personally set no target, but it has appeared I think historically that that has been the range in which our figures have gone.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Acting Chairman (Mr. Otto): Thank you, Mr. Weatherhead. Mr. Whiting?

Mr. Whiting: Mr. Chairman, I would like to ask the Minister a question or two. Do you have any booklets on the mobility programs as to who can qualify and how they go about getting qualifications to participate in this program?

Mr. Francis: The Canada Manpower Centre has a supply of pamphlets which set forth the conditions to qualify for mobility assistance.

Mr. Whiting: And these are readily available?

Mr. Francis: Yes.

Mr. Whiting: Anybody can get them from the office? Fine, thank you very much.

I have another question, Mr. Chairman, with regard to family relationships—uniting families. Is there much, or any latitude shown within the Department with regard to, say, bringing parents over to Canada to join their sons or daughters? I mention that because I have many problems in this regard, and the

majority of them are turned down for one reason or another. I am just wondering what the basis for that was. It seems perfectly logical and commendable that a son or daughter would want their parents to join them in Canada after they become established.

• 1705

Mr. Curry: Excuse me, I do not quite understand the point of the member's question. Is it the nature of the relationship or a factor such as the age of the parents?

Mr. Whiting: Well, it could be a combination of both.

Mr. Curry: If the parent were of an age where he, himself, is likely to become a member of the labour force, then he would be assessed on his impact on the labour force. In other words, we would have him assessed as an independent immigrant.

Mr. Whiting: What about somebody, say, 57 years of age who is not in good health?

Mr. Curry: You have introduced two conflicting points here. It is all according to what you mean by not good health.

Mr. Whiting: He is not able to work. He is not able to enter the labour force, in other words.

Mr. Curry: If he were of that age and not able to enter the labour force because of a disability or something like that, I think we allow him to come forward, if I recall, as a sponsored immigrant. The break-off point is 60 years of age. If he is 60 or over he can come regardless of other factors relating to work, and so on. If he is under 60 then we would have to assess him on his own merits.

Mr. Whiting: I have another comment to make, Mr. Chairman. Last Tuesday night the Minister was invited to Oakville to attend a careers show which, unfortunately, he could not attend. But I had the opportunity of attending this function. It was sponsored by Canada Manpower and various other organizations within the community of Oakville. The purpose of this event was to acquaint the young people—the high school students—with job and career opportunities available to them in the Oakville area.

I thought it was a magnificent show. I am quite sure the young people would receive much benefit out of this, because it was heartily endorsed by the industries and businesses within the municipality. I was wondering if

the Department had any further thoughts on encouraging this type of event throughout the country.

In other words, possibly the Department of Manpower could show leadership in this respect and encourage this sort of thing to be held in other communities throughout the country. I just make that comment, Mr. Chairman, because I think it is a valid one that could merit some investigation by the Department.

The Acting Chairman (Mr. Otto): Mr. Caccia?

Mr. Caccia: Mr. Minister, today the CBC news announced that the figure of total men and women unemployed as of the end of October amounts to 288,000—approximately 40,000 more than a year ago. Are the estimates before us today prepared in a manner as to absorb a larger number of trainees during the coming winter in view of the fact that there will be a larger number of people unemployed?

• 1710

Mr. MacEachen: I think that the deployment of the resources we have are such that most of the trainees will be trained in the winter months. I have given a number of examples in the House, and I am sure the total picture can be put on the record by the officials. I know people have been concerned about the cancellation of the winter works program, and have been concerned about a replacement for it. We have not come forward with a new program as such, as a replacement, but we have attempted and succeeded in increasing the budget available for training. We have striven, I think successfully, to put most of that training in the winter months. For the Atlantic Provinces, as I recollect the situation last winter, \$1.5 million was spent on that program. I think the increase in our training program this year, most of it in the winter, is about 18 times that amount. In Ontario the increase in our training program is greater than the amount we spent last year for the winter works program.

What I am really saying, Mr. Caccia, is that through the increased amount available for training and by concentrating it in the winter months and training the unemployed, as we are trying to do—we are giving that priority—we think that we are responding to the unemployment situation this winter.

It might be a good idea if we could at some point give the Committee the whole picture of

the increase in every province and the percentage we think occurs in the winter months, and then compare those figures with the winterworks program. As you know, 55 per cent I think of the funds for winter works was spent in the Province of Quebec. We are trying to meet that problem.

Mr. Caccia: It has been stated that any meaningful long range manpower training program has to be based on the projections of requirements of industry and commerce in future years. Has the federal government under way a study on manpower requirements for the next five or ten years and if so, by whom is it being conducted and when is it expected to be completed?

Mr. MacEachen: Obviously the implementation and the administration of any manpower program depends upon the best possible information on the labour market and what it is going to require in the future. Mr. Dymond's division in the Department is really dead-on regarding this problem and maybe he would like to give you some detail about this whole important area.

Mr. Caccia: Only if there is a study under way and if anything is being done.

Mr. W. Dymond (Assistant Deputy Minister, Program Development Service, Department of Manpower and Immigration): Mr. Chairman, I think I can answer very briefly. There is a study now of manpower requirements on a Canada basis up until 1970. That study was a long time aborning, so to speak, and was based on Economic Council projections that translates them into manpower occupational and educational level terms.

We have another study that is being prepared right now that will provide manpower requirement projections from next year for each year up until 1975 for Canada and each of the five main regions of Canada. That study is being done both here in Ottawa and by our regional economists in each of the five regions of Canada so that it will be related to the local context and situation. That should be available in ten to twelve months time.

Mr. Caccia: In December 1967 the Canada Manpower and Immigration Council Act was given assent. Has the Minister any intention of implementing that act by appointments to the various councils proposed in that act.

• 1715

Mr. MacEachen: Yes, Mr. Chairman. We in the Department have spent considerable time

recently considering how best these councils could operate and be of maximum benefit to the Department and to the country. I think we have it pretty clearly in our minds how we think they ought to operate. We have already canvassed major organizations in the country for suggestions as to possible persons to fill these council positions and we hope soon to be able to get it in operation. So we are getting ahead with it.

Mr. Caccia: Mr. Chairman, I do not know whether I have used all my time. I have six more short questions.

The Acting Chairman (Mr. Otto): Mr. Caccia, if you do not mind, I think we will go on. We will do what is normally done, stand Vote 1 anyway until the Minister comes back for his policy conference with us and go on to the others.

Mr. Caccia: May I ask one question out of the six? I am making a big sacrifice.

The Acting Chairman (Mr. Otto): Oh well, we will just allow you to do that.

Mr. Caccia: Thank you. How frequently since the introduction of the new Immigration Act have labour market demands proposed and changes been forwarded and funnelled to our officials abroad in order to adjust their evaluation?

Mr. Curry: Mr. Chairman, this is a continuous process. The information that we get from various sources, including the occupational demand which is one of the things to which I think the member had reference, is reviewed in the Department periodically but if there is any marked change that justifies action between the periodic reviews that is fed forward immediately to our Immigration officers overseas. So that the whole attitude of the Department is to try to get precise information and to get it put forward speedily, remembering that the immigrants affected in most cases do not really come to the country perhaps for some months after the time they first apply and therefore it is necessary that we give them the most precise and fast information that we can.

Mr. Caccia: "Periodic reviews" imply how many months?

Mr. Curry: I think they have been making them on the basis of a six-month interval now, or is it quarterly?

Mr. F. V. S. Goodman (Director of Manpower Information and Analysis, Department of Manpower and Immigration): Quarterly with, I am afraid, some slippage. However, the actual selection units are designed to be sent out quarterly. On occasion they may have been perhaps a month or two late.

Mr. Caccia: Mr. Chairman, if time permits at the end I would like the opportunity of asking other questions.

The Acting Chairman (Mr. Otto): Thank you. Mr. Broadbent.

Mr. Broadbent: Mr. Chairman, first of all, I would like to pursue the line of questioning begun by Mr. Alexander. I do not see offhand how one could conceivably be integrated into the country other than as a member of a certain province or a certain city or a certain region. An immigrant coming to Toronto would take on certain characteristics because he lived in Toronto or Ontario which would distinguish him in certain respects from someone living in Saskatchewan.

Is it conceivable in terms of law that different tests could be applied to immigrants before they could be legally accepted as Canadian citizens? For example, if a potential immigrant had to answer certain questions about Canadian history is it conceivable that the Province of Quebec could have one set of questions and the Canadian Government another?

Mr. Curry: I do not want to rush into an observation but I think the member perhaps mistakes the nature of the standards on which Canada selects its immigrants. In the first place it has nothing whatever to do with their citizenship—that is something that happens five years after they get here.

Mr. Broadbent: Well, I am talking about the citizenship test which is given five years after they get here—not the selection policy.

● 1720

Mr. MacEachen: That is the responsibility of the Secretary of State now. It used to be this Department.

In so far as selection tests are concerned, as I have stated already, I cannot foresee any other test than the one being administered by the Government of Canada.

Mr. Broadbent: My next question will be somewhat hypothetical. If an equivalent to the Czechoslovakian disaster—it is a disaster

from the humane point of view in any case—took place, say in China, would we as readily open our doors to thousands of Chinese? In other words, is there any possibility of a racial criterion or any other criteria being applied in such a potentially strictly humanitarian situation?

Mr. MacEachen: We applied our refugee provisions in the Department and we sought special authority from the Cabinet to finance the operation, and many other things, as a particular humanitarian situation and, of course, the Department did do even more in number in the Hungarian situation.

If you ask me what will happen in any other situation I would hope that we would respond on purely humanitarian grounds, not racial or for any other consideration. That would be my view.

Mr. Broadbent: It is by no means beyond the bounds of possibility that thousands of Chinese might start to pour out of Mainland China into Hong Kong. It is quite conceivable that the Canadian government would take in Chinese refugees on the same basis as we did with the Czechs.

Mr. MacEachen: Well, it is a very hypothetical question. All I can say is that in the instance in which I am involved the determination is on a purely humanitarian basis. I think Canada will benefit, quite frankly, from what has been done; the people who are coming will contribute a great deal to the country but we did not respond for that reason.

Mr. Broadbent: Yes, that is what I was wondering; whether in fact, it was considered that these are, in the main, good middle-class people. For example, in terms of technical skills—

Mr. MacEachen: We did not know, you see. We did not know who would come. We take people who are totally unskilled in our movement. I think the circumstances you envisage are hypothetical and I suppose as a wise—or at least a hopefully wise—politician I should say I am not going to answer hypothetical questions, but I hope we would respond in a humanitarian way.

Mr. Broadbent: The other question of a general policy nature that I had was, is any consideration being given to our adopting in Canada the policy followed in some other countries in Europe of having legislation which compels companies, for example, to give the government so many month's notice

before they lay off a certain number of employees? I am thinking of this in conjunction particularly with the Manpower Retraining Program, say, three months notice before a company lays off a hundred or more people.

Mr. MacEachen: Off the top of my head, I do not think we have the jurisdiction federally to require such a law. I think one province at one point had such a law but we do not have the jurisdiction, so far as I can understand, to ask a company operating in a province to give us notice, but that is a legal question.

• 1725

Mr. Broadbent: Is it your view that the federal government does not have the legal authority to pass such a law?

Mr. MacEachen: This is my view; I may be quite wrong. I would not stake my legal reputation on it, Mr. Otto.

Mr. Dymond: I think that is probably right but, as you say, it has never been tested legally. It depends a bit, I think, on the purpose of that kind of legislation.

Mr. MacEachen: We would much prefer to get unions and employers to respond by taking advantage of our Manpower Consultative Service. I think you could have a law and get a notification about a closure, but unless employers and unions were ready really to get down to business and prepare for the results of any kind of economic or technological change, the law might be very fruitless.

I talked a bit about the Manpower Consultative Program in the Department, or the agency that is equipped to do this kind of work, and I think it offers a much more fruitful area than a legal sanction. We are starting, but we have not gotten all that number of employers and unions to come forward and take advantage of it.

Mr. Broadbent: I would have thought off-hand there would be no objection on the part of the trade unions to having three months notice when they are going to be laid off, but I have talked to the representatives of a certain rather large corporation in this country, which will go unnamed at this point, and their view was that this would not be a good idea because then the workers would not work for three months. Now, I do not know how widespread that attitude might be, but has this been broached at all with—

The Acting Chairman (Mr. Otto): Mr. Broadbent, the Minister will be coming back and I think if you raised the question at the time we are discussing policy he will be better informed and, I think, we will be better informed.

Mr. Broadbent: Perhaps that will be my last question. Perhaps it is because of the foggiess due to a cold or a certain amount of inherent foggiess I may also have, but I missed at the outset what the decision was in terms of our procedure now.

The Acting Chairman (Mr. Otto): The decision was that we will stand Vote 1 until the end when all the estimates have gone through. Then the Minister will come back and discuss policy.

Mr. MacEachen: I shall be glad to discuss with you any policy issue you want to raise or that comes up during discussion. I should prefer to have some notice, if possible, but if not it is fine.

The Acting Chairman (Mr. Otto): Are you finished Mr. Broadbent? Mr. Loiselle.

Mr. Loiselle: I will pass.

The Acting Chairman (Mr. Otto): Mr. Muir?

Mr. Muir (Cape Breton-The Sydneys): Mr. Chairman, with your permission may I revert very briefly to the subject matter of the questioning by Mr. Alexander. As I head it I believe Mr. Curry said—and I hope to be corrected if I am in error—there was no active desire on the part of the government to promote immigration of people from the West Indies. Is that what he said?

Mr. MacEachen: Mr. Curry said that as a Department we do not promote immigration actively from the West Indies because the governments of the West Indies do not want us to do so. That is the point. We do not promote because they do not want us to promote.

Mr. Muir (Cape Breton-The Sydneys): I see. There is no question of our not wishing to have immigrants from the West Indies.

Mr. MacEachen: No, there is no question at all. We process applicants in exactly the same way as people from any other country.

Mr. Curry: Mr. Chairman, I think we must be very careful of the sense in which we use the word "promote". By "promote" I meant when I made the comment that we do not

spend money in advertising and that sort of thing.

Mr. Muir (Cape Breton-The Sydneys): Yes.

Mr. Curry: We are in a dilemma with people such as the West Indians anyhow because if we were active in advertising and promoting we would drain from them the very people whom they can least afford to lose.

• 1730

Mr. Muir (Cape Breton-The Sydneys): Skilled people.

Mr. Curry: We would be doing no justice to anybody. I take it that it is probable, although this is perhaps somewhat an assumption, that the West Indies would have no objection to our accepting as immigrants those of their people whom they found were on their relief rolls or something of that sort, but the ones who would qualify to come to us under our selection standards are frequently the very ones they can least afford to lose.

Mr. Muir (Cape Breton-The Sydneys): I see. Thank you, very much. Now, I have another question. I have had one or two queries from people who were interested in sponsoring unfortunate people who moved out of Czechoslovakia, and the officials in Ottawa, whom I find most courteous and co-operative at all times, advised me that those interested should contact the local office of the Manpower service. I was wondering how this is working out. Do they do the complete processing at the Manpower office and then forwarded it to Ottawa? May we have some information on this?

Mr. MacEachen: As I understand it the processing is done in the local offices.

Mr. J. C. Morrison (Director General of Operations, Department of Manpower and Immigration): It is the local Immigration office rather than the Manpower office that the people should go to. If it happened to be a small community where there is no Immigration office, then a Manpower office would accept an application and transmit it to the nearest Immigration office. Then it would be processed from there on through normal immigration channels; and in the case of a Czech refugee, through our office in Vienna.

Mr. MacEachen: I think there is a misunderstanding here. I think Mr. Muir is talking about Czech refugee who has arrived in Canada. Is that it?

Mr. Muir (Cape Breton-The Sydneys): No, Mr. Minister. My question was in reference to a couple, we will say, interested in sponsoring an individual from Czechoslovakia who would take care of him until he got settled, and so on.

Mr. Morrison: It has been possible for the last year to sponsor anyone living in Czechoslovakia by filing an application in one of our Immigration offices in Canada. Ordinarily it would have gone through the External Affairs office in Prague and he dealt with there if it is a case sponsored by a close relative. Under present circumstances if it is a refugee who has left the country, the processing overseas would be done at the Vienna office.

Mr. Muir (Cape Breton-The Sydneys): Where would the individual submit his wish, supposing he wanted to bring over an 18-year-old blonde or something like that?

Mr. Morrison: If there is an Immigration office in or near his community he should go there. If there is only a Manpower office, he should go there and they will convey his wish and process it.

Mr. Muir (Cape Breton-The Sydneys): In all seriousness, Mr. Chairman, this is a married couple who wished to look after someone who was in these circumstances and who did not have anyone to look after him.

Mr. Morrison: Was the person they wanted to bring a relative?

Mr. Muir (Cape Breton-The Sydneys): No, sir.

The Acting Chairman (Mr. Otto): Mr. Muir, excuse me, we will have Vote 15 specifically on Immigration and this is a very specific question. I wonder if you could hold that until we come to that vote?

Mr. Muir (Cape Breton-The Sydneys): I would be glad to, Mr. Chairman, but usually on Vote No. 1 you can range far and wide.

The Acting Chairman (Mr. Otto): You will still be able to, but we are trying to get through. We still have Mr. Lachance, and then Mr. Caccia again.

Mr. Muir (Cape Breton-The Sydneys): I have one more short question with regard to Mr. Broadbent's queries, and I think they were very well put and very pointed and very much up to date.

On Monday, October 16, 1967, we adjourned the House to discuss—the Minister is smiling; he remembers very well—what took place in our area regarding Hawker Siddeley who, without any notice whatsoever, decided they were going to close down a plant involving almost 3,000 steelworkers. At that time the then Minister of Manpower and Immigration stated, as I recall it, that he was all in favour—or words to that effect—of companies, being forced to give some indication or some notice that they were going to withdraw or cut back. I mention this as food for thought for the Minister, who will be coming back to this at a later date, and I would go along with Mr. Broadbent in hoping that something could be done along these lines, because we have people like Hawker Siddeley—and there are a number of them in this country—who could not care less what happens to the individuals who are affected. That is all I have for the moment.

• 1735

The Acting Chairman (Mr. Otto): Thank you, Mr. Muir.

[Interpretation]

Mr. Lachance, now it is your turn to speak.

Mr. Lachance: Thank you, Mr. Chairman.

[English]

Mr. Chairman, in the Vocational Training Co-ordination Act, it says that a maximum of 52 weeks can be paid a person who follows a course. Is it the government's intention to increase the 52 weeks?

I have a case right now of a man who followed a course of 22 weeks last year, and this year the Manpower people in Montreal allowed this same person to follow a 44-week course. This amounts to—22 weeks plus 44 weeks—66 weeks. This means that the government is paying a 44-week course this year but perhaps will pay this man only 52 weeks in all. I find it hard to understand how a man can follow a 66-week course and not be paid more than 52 weeks. How is he going to live during the other 14 weeks? Does the government intend to bring in some legislation to cope with this problem?

Mr. MacEachen: Let us get the facts right first.

Mr. J. P. Francis (Assistant Deputy Minister—Manpower, Department of Manpower and Immigration): Mr. Chairman, we can pay a man to take a course up to a maximum of 52 weeks in that course; however, once he has

done that we can approve a second course for him, and it is possible for that second course to last as long as an additional 52 weeks. So in this way in two successive courses, not in one, it would be possible for one man to take training under this program for a total of 104 weeks.

The theory behind this is that the man may need some basic upgrading in certain subjects or areas before he can qualify to take occupational training; therefore we will give him the basic upgrading for as long as 52 weeks, and will, in a second course, give him the occupational training. That is likely what happened in the case you cite.

Mr. Lachance: Thank you. I thought that one person could get only 52 weeks at the maximum.

Mr. Caccia: One of my questions is related to the orientation centre which was opened in the Province of Quebec I believe in February or March of this year in co-operation between our Department and the Quebec Department of Education. What is the cost of the federal government's share in that orientation centre's operations until now, assuming that it is included in the estimates before us. If that project proves to be successful, may we expect a policy on the part of the Department of introducing other orientation centres in other provinces?

Mr. Francis: Mr. Chairman, I do not have the answer to your first question as to what was our share in the cost of this. I might add, if I may, that there are two or three examples of these kinds of things. There is another one in Vancouver. At the present time assessments are being made of how well they work. On the one in Quebec City we have a preliminary report but for only so far. If you like I will get the data.

• 1740

Mr. Caccia: There is no hurry. Thank you, Mr. Chairman. My next question needs a short preface and I will try to make it as concise as I can. Mr. Minister, as we all know and as we have heard today we have embarked upon a selective immigration policy. At the same time experience teaches that the higher the education of the immigrant the more difficult is the process of adaptation and integration, particularly at the beginning. In view of this policy the success of attracting the type of immigrants that the Government of Canada wishes to attract to Canada

depends very much on the successful adaptation and integration of immigrants belonging to this particular category. Is there any intention and any policy in the future whereby the Department will continue its efforts—this is not meant as a criticism of the Department which I know tries its best—vis-à-vis Canadian employers who, so far, have taken an attitude of requesting a Canadian experience from immigrants who seek employment at the moment of arrival within the category to which they belong, even if they are prepared to accept employment at a lower level, still within the branch of their background. I recall in this connection, in the Department of Labour, a policy of promotion whereby, for some time, we saw in various communities announcements made and directed to employers encouraging them to employ men and women over a certain age. I do not know how successful that was, but certainly an attempt was made, and it reflected a certain awareness of that problem. Yet, as of today, we can really build up a very high dossier on the history of immigrants who we really wanted to have, who came with a high degree of skill or professional education, and who still today find it extremely difficult to be hired because, upon arrival, they cannot offer the Canadian experience that employers wish to have from them. Therefore, history repeats itself even in our modern times when you have an highly qualified professional who accepts employment even in skills which are quite comparable to that of dishwashing which then, in turn, means that by mail and by word of mouth the communication goes back across the ocean that it is very difficult to start a new life here, at least for a certain period of time.

In this connection—and this is the second part of the question—are there any steps that you envisage as a Minister that are meant to encourage professional organizations throughout the country to take certain steps towards a partial or total recognition of professional degrees? Today in the newspaper there was an announcement that at last the Ontario Dental Association will permit a certain number of Czechoslovakian dentists to practice—first to have an examination next spring, and if they are successful they will be admitted in certain remote areas where there is not a dentist and therefore it will not create a problem. This is 1968, and this is the kind of thing that perhaps we would have liked to see taking place a few years ago. We have embarked on a selective policy. Are we also

going to take further steps to bring the selective policy to its final conclusion within any given community, within any given provinces, within any given profession? Did I ask a question which is broad enough?

Mr. MacEachen: Yes. You know a good deal about this particular problem; you know the role of the provinces and the professional associations. Mr. Dymond, who is in the Department, has had and is continuing to have discussions with at least certain professional associations on this very problem so maybe, Mr. Dymond, you could just mention what you have been doing and what we propose to continue to do.

Mr. Dymond: It is a mixed picture, I think, from one professional association to another. As you know, and the Minister has alluded to this, the question of qualifications for those professions such as medicine, engineering and dentistry having licensing requirements to practice as a professional, comes under provincial jurisdiction. So that we in the federal government can do a certain number of things and are moving in that direction, but we obviously cannot tell any professional association directly what they must do, as I am sure you appreciate.

• 1745

The previous Minister, Mr. Marchand, started on this road with an offer to The Canadian Medical Association to provide the facilities for prescreening doctors overseas so that we could provide a good facility for getting them started on the business of seeing whether their professional qualifications were adequate or not in Canadian terms, and also an offer to the Association to make studies of medical qualifications in other countries with which they were not familiar, to make certain and to determine the real qualifications these foreign medical schools had in a number of parts of the world. I think progress is being made in the Department. I have had meetings with the Canadian Medical Association people at the annual convention of the Registrars. We have had a number of discussions, and I think they are moving to develop a better system. They are certainly aware of this problem. They are talking about prescreening examinations. They are becoming more aware of the need for more standardized qualifications from province to province, and I think slowly some progress is being made. The same kind of thing is going on with the engineers—a prescreening examination overseas

to develop much better procedures than they now have for assessing and evaluating the qualifications that engineers from other countries have, and to study and develop a much better and more secure knowledge of foreign qualifications. There are studies just beginning now, or discussions rather, about possible studies with the Agricultural Institute of Canada and the provincial licensing bodies. I would expect we might be talking to the dental people. This is the kind of activity, of better liaison, of urging more uniform procedures, of offering to finance studies and analyses of foreign qualifications, in which so far the Department has been engaged, in this particular area.

Mr. Caccia: How does this apply when it comes to the immigration of skilled tradesmen? Does the Department encourage the training of skilled tradesmen in Canadian methods upon arrival in the various provinces? Here reference is made, not to training in the English language, but in Canadian methods as they apply to a specific trade. Is the Department developing similar techniques when it comes to skilled tradesmen?

Mr. Dymond: I might say, and Mr. Francis will want to answer the training part of the question, we are engaging in studies on the equivalents of the training, education and qualifications of tradesmen from various foreign countries as compared to Canadian standards, because there is some reflection of the same kind of question found at the professional level among some of the trades where there are journeymen and licensing requirements that are operated by the provinces. That is something we are looking into as a starter, from a research point of view, in order to get at the real dimensions of the problem.

Mr. Francis might have a word on the training.

Mr. Francis: Mr. Chairman, apart from language training, we will pay for skilled training for immigrants to help them become familiar with Canadian techniques and Canadian procedures, and so on, in their occupational field. The limitation here, of course, is to get a course from the province or from a local school board that will do this kind of job. It is not always possible to get this type of course but we are trying to encourage the provinces and the local school boards to provide them. We will certainly buy them.

• 1750

Mr. Caccia: When you relate this policy that you have just announced to the budget before us, do you see room for an expansion of courses or have you already reached the ceiling for this type of course and so cannot accept any further training of this type?

Mr. Francis: Mr. Chairman, I did not realize I was making a policy announcement. We have been doing this for some time and it is part of the program as it exists. I think there is room for expansion of this kind of thing.

Mr. Caccia: Thank you, Mr. Chairman.

The Acting Chairman (Mr. Otto): Before I leave this Chair Mr. Francis, I believe, undertook to bring the cost figures in connection with the integration programs. I might also say that when we go further into immigration it would be useful to have any relevant publications here rather than to have the answer: "I am sorry, but they are still back

at the office." Also, I specifically would like a copy of the "point system"—the little book that you have—produced for this Committee when we discuss immigration and the point system.

I will now turn the Chair back to Mr. Caccia so that he may thank the Minister.

The Chairman: Are there any more questions? If not I shall call Item 1. Shall Item 1 stand?

Some hon. Members: Agreed.

Item 1 stood.

The Chairman: Thank you. On behalf of all the members I should like to thank the Minister for his patience and remarks. We would welcome more meetings of this kind because it has certainly been most beneficial. I should like also to thank the officials who came here today for their assistance. The meeting is adjourned.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

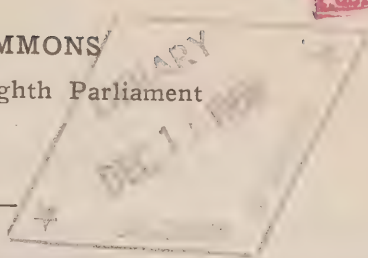
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ALISTAIR FRASER,
The Clerk of the House.

HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968



STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, NOVEMBER 19, 1968

Revised Main Estimates (1968-69) relating to
Manpower and Immigration

WITNESSES:

From the Department of Manpower and Immigration: Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. W. R. Dymond, Assistant Deputy Minister (Program Development Service); Mr. J. C. Morrison, Director General of Operations.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance
and Messrs.

Alexander,
Breau,
Brewin,
Broadbent,
Dumont,
Knowles (*Norfolk-
Haldimand*),

Loiselle,
McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,
Otto,
Paproski,

Roy (*Timmins*),
Skoreyko,
Thompson (*Red Deer*),
Turner (*London East*),
Weatherhead,
Whiting—(20).

Michael A. Measures,
Clerk of the Committee.

(Text)

MINUTES OF PROCEEDINGS

TUESDAY, November 19, 1968.

The Standing Committee on Labour, Manpower and Immigration met this day at 11.08 a.m. The Chairman, Mr. Caccia, presided.

Members present: Messrs. Alexander, Breau, Broadbent, Caccia, Loiselle, McNulty, Murphy, Otto, Thompson (*Red Deer*), Turner (*London East*), Weatherhead, Whiting—(12).

In attendance: From the Department of Manpower and Immigration: Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. W. R. Dymond, Assistant Deputy Minister (Program Development Service); Mr. J. C. Morrison, Director General of Operations; and Mr. L. E. Davies, Acting Director, Financial Administrative Services.

The Chairman called Items 5 and 10 of the 1968-69 Revised Main Estimates, Manpower and Immigration,—

DEVELOPMENT AND UTILIZATION OF MANPOWER

Item 5—Administration, Operation and Maintenance,
etc.\$154,449,000

Item 10—Grants, Contributions and Subsidies, etc. ..\$204,435,000

and introduced the departmental officials, who were questioned.

At 12.17 p.m. Mr. Otto temporarily took the Chair as Acting Chairman to allow Mr. Caccia to question the officials.

The Chairman then resumed the Chair and at 12.55 p.m. questioning continuing, the Committee adjourned to the call of the Chair.

J. H. Bennett,
Acting Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 19, 1968

The Chairman: Gentlemen, I do not see a quorum, but I think we can quietly start our meeting, with your permission. I think that gradually we will build up into a quorum.

At the head table is Mr. Francis, who is the Assistant Deputy Minister, Manpower. Next to him is Mr. Morrison, the Director General of Operations. Mr. Dymond is next who is the Assistant Deputy Minister in charge of Program Development Service. Mr. Davies is next and he is the Acting Director, Financial and Administrative Services.

I assume everyone has this list of names, but if not we will try to make it available so that you know exactly who is speaking—Mr. Francis, Mr. Morrison, Mr. Dymond and Mr. Davies.

As you will recall, at the last meeting we stood Item 1. We will start the meeting today with Items 5 and 10 on page 296, which deals with the broad question of development and utilization of manpower. It covers several phases and it is a very meaningful program which deserves all the time you wish to take to ask questions and to raise points related to these items.

Manpower and Immigration

5 Administration, Operation and Maintenance, including the administration of the Manpower Mobility Regulations and payments in respect of persons who are being afforded occupational training under the Adult Occupational Training Act \$154,449,000

Grants, Contributions and Subsidies in accordance with the terms and conditions specified in the sub-vote titles listed in the Details of the Estimates \$204,435,000

Having said this, I will take down your names as you indicate to me your wish to ask questions and we will take it from there. Would you, perhaps, like to make an opening statement, or will you accept questions right away? The Minister made a statement at the last meeting, as you will recall. It was a fairly comprehensive one. On page 299 you

have the subject matter on Administration, Operation and Maintenance of the Department, including Mobility Regulations and Payments. Mr. Weatherhead?

• 1110

Mr. Weatherhead: Mr. Chairman, perhaps one of the officials could give us a brief outline of the regulations with respect to the eligibility under the Adult Occupational Training Act. The Minister might have mentioned it last week, but I do not recall it and I wonder whether perhaps as a basis we might have some comment on this.

Mr. J. P. Francis (Assistant Deputy Minister (Manpower), Department of Manpower and Immigration): Mr. Chairman, the primary purpose of this Act is to help people who are already established in the labour force to improve their incomes; it has an economic objective, an objective which we are trying to measure by the amount of people's income. It is intended to help them to improve their occupational skills if those are becoming or have become obsolete. It is intended to help them in advance, if we can detect it early enough, to acquire additional training to adjust to changes taking place in employment. It is also intended to give them what we call basic training; that is, upgrade their qualifications in basic subjects such as science, mathematics and language, if they need this, in order to take an occupational training course.

Because the program is related to the needs of those in the labour force, it is necessary to draw some line which will make it possible to decide who can benefit from the program and who cannot. This line is drawn by saying that to be eligible a client must be at least one year older than the regular school-leaving age of his province and, in fact, be out of school for one year.

If a client meets this condition, we can then purchase training for him from the province, or from a private training institution if the

province agrees, or from his employer; that is, we can pay on his behalf the cost of the training that he may need. We will do this in those cases where it is clear that he will benefit economically from this training. So far as his agreement and our manpower counselor's agreement are concerned, the principle is that he will benefit economically by the training.

In addition, we will pay him a training allowance. The purpose of the training allowance is to recognize the fact that he is in the labour force and is, therefore, a person who has been working and has been used to an income of some kind and has assumed all the economic responsibilities that go with that. The training allowance is an income replacement; it recognizes the fact that he is a wage or salary earner, or has been.

The training allowance, if he has dependents, will be paid on the same conditions as will his course costs; that is, one year beyond the school-leaving age and out of school for one year. If he does not have dependents, then he must be in the labour force for three years. This would apply, of course, to single people and to anybody else who has no dependents.

The provision that he be in the labour force does not apply, whether or not he has dependents, to apprentices nor for training in industry, but if it is classroom training then it does apply as I have indicated.

The amount of the allowances can range from \$37 to \$96 weekly depending on the number of dependents the person has.

I think that is a quick rundown of the program.

Mr. Weatherhead: Mr. Francis, I gather if the applicant does not have dependents he has to be in the labour force for three years; is that right?

Mr. Francis: That is right.

Mr. Weatherhead: What would the general definition of dependents be in this case, Mr. Francis? I was thinking in terms of people who were sending money back to their relatives overseas, and that sort of thing. How do you draw the line in this sort of case?

• 1115

Mr. Francis: The regulations say that a dependent is a person who is wholly or substantially dependant for support on the adult

if such a person is a child connected with the adult by a blood relationship, by marriage or adoption, is under 16 years of age or, if he is over 16 years of age he is in full time attendance at a school or university and, of course, as I said the child must be absolutely supported by the adult.

It can be the spouse of the adult if that spouse is mentally or physically infirm, if the spouse is providing care in a domestic establishment maintained by the adult. It can be a person who is mentally or physically infirm and is actually supported by the adult whether or not there is a relationship.

We have interpreted the regulations as I have just given them to you to include the dependents of immigrants whether or not those dependents are in this country. If they are not in this country, then we require the client to show actual evidence that he is making payments to the support of the dependent wherever the dependent may be.

The Chairman: For those of you who are interested in having this information on hand for future reference, you will find it in the June 14, 1967, issue of the *Canada Gazette* at page 262, if you wish to make a note of it.

Mr. Weatherhead: Mr. Francis, would the definition of the term "dependents" include the brothers and sisters of an applicant if they were under 16 years of age?

Mr. Francis: Yes, it would, Mr. Chairman.

Mr. Weatherhead: Or still in school?

Mr. Francis: Yes.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Thank you. Mr. Alexander?

Mr. Alexander: Mr. Francis, I should think that as we are placing great emphasis on our manpower problem some consideration would be given to the immigration problem we also have. In other words, are we working hand in hand? Let us suppose that we will have a greater influx of immigrants. Is your Department considering this now in terms of language and difficulties, et cetera?

• 1120

Mr. Francis: Mr. Chairman, under this legislation we provide a substantial amount of language training to immigrants. This is one of the important parts of the program.

The system works briefly as follows. When an immigrant arrives at his port of entry, the Immigration Officer there will notify the Canada Manpower Centre at his point of destination—the town or city or place to which he is going—that he is coming and when he will be arriving. The immigrant himself is told where the CMC is. When the immigrant arrives at his point of destination, the CMC will interview him, and if he, as is frequently the case, would benefit from language training, we then purchase that training for him and give him allowances on the basis that is indicated. The language training part of this—you are quite right—is an important part. We have tried to integrate it administratively in the way I have just pointed out.

Mr. Alexander: Then I take it that there are certain Manpower Centres—I believe there has been a cutback in the offices themselves as spread out through Canada. How many Centres are there?

Mr. J. C. Morrison (Director General of Operations, Department of Manpower): If you include all offices that are permanently staffed, there are about 350, not including offices that may be open only for seasonal purposes, or travelling offices or anything of that kind.

Mr. Alexander: And the greater concentration would be in Ontario and Quebec?

Mr. Morrison: I can give you an exact breakdown by numbers. In the Atlantic Region there are 55, this is in the four Maritime Provinces; there are 92 in Quebec; 103 in Ontario; 55 in the three Prairie Provinces; and 41 in the Pacific Region, including one in the Yukon; for a total of 346.

Mr. Alexander: The Economic Council of Canada indicated that in a few years the vast majority of our population will be centered in the cities. This, of course, can pose a problem. In other words, how far-reaching are we at this stage now? I think something like 80 per cent of the population will be living in the cities. Have you given this thought, which I know you have?

Mr. Morrison: Well, our office disposition in the major metropolitan areas is already—it is not a case of having just one office in places like Montreal and Toronto, or even in Vancouver. There is a complex of offices which are operated on more or less a met-

ropolitan basis. The reason is that this is where the big concentrations of people are.

Mr. Alexander: Do you feel that the setup you have now can take into consideration that which the Economic Council of Canada stated, that in the next few years, the vast majority of our population is going to be in our major cities?

Mr. Morrison: I would not want to say that what we have today is necessarily going to be satisfactory a year from now without making any changes in it. I think what we probably have to envisage in the metropolitan areas, is some expansion of our office facilities and even possibly a larger number of smaller offices than we have now. But this is the sort of thing which we try to review on a continuing basis, to see where new offices ought to be opened in order to serve new groups of people or new industrial installations, and so on. We are not looking at it as a static situation that is all set up and that is not going to be changed. It just does not work that way.

• 1125

Mr. Alexander: There is another problem that comes to mind. There is supposed to be, as I understand it, and there is an influx from the rural areas now to the urban areas. I would take it this would mean those primarily interested in farming, or who use to be, and because of the economic disadvantages of being a farmer now. Is there any hope, is there any thought of retraining the farm personnel to bring them up to date technologically, so that they could be directed back to the land? Or is there any training envisaged for the farmer?

Mr. Francis: Mr. Chairman, under the training program we do in fact give quite a few courses in agriculture and its various phases. We do most of this by working with officials of the Department of Agriculture, either provincial or federal. We do an increasing amount of this by working with the ARDA people under their area development programs. Other things we find about people who come out of rural settings, is that they tend to have much lower educational levels, as you might expect. What we must do in a great many cases is provide them with a basic training for skill development, as we call it. We must upgrade them in the basic subjects. We are doing this to a very substan-

tial degree, for example, in the Gaspé, but also in the other ARDA FRED area programs. It tends to be concentrated in these development program areas, but it is done elsewhere as well.

Mr. Alexander: Thank you, Mr. Francis. Thank you, Mr. Chairman.

The Chairman: Thank you. Mr. Thompson?

Mr. Thompson (Red Deer): I have a few questions that have been partially answered already. One relates to farm training programs. Are there courses other than direct agricultural courses offered to farm people, and I am thinking of courses like welding, carpentry and building construction. Do you include such courses?

Mr. Francis: Yes. The principle on which a decision is taken is in terms of the occupational objective that would seem most helpful to the client. This principle means that in fact many of those in rural areas do get courses that are more related to needs in urban settings.

Mr. Thompson (Red Deer): I am thinking particularly of some areas in agriculture where farm labour is seasonal and where with training and some of the other trades, it is quite possible that such people could be productively active during the off-season in farming without upsetting normal patterns at all. Does this enter into your decision on availability of course training?

Mr. Francis: Yes, it does.

Mr. Thompson (Red Deer): You gave us the number of permanent offices now established. Could you tell us what that number was in 1967, or a year ago, as far as increase or expansion of the Department is concerned?

Mr. Morrison: I cannot give the total last year, but the total number of offices now is about 150 more than existed when the Department was first created out of the former National Employment Service and elements from the Department of Labour. The total growth has been about 150 spread over the intervening period. I would guess that in the past year we opened another dozen offices in Canada.

Mr. Thompson (Red Deer): How many training centres are established? I am thinking of training centres that you are directly responsible for in your own Department, not

those in which you might be working in co-operation with Agriculture or others?

Mr. Francis: We are not responsible for any training centres. We buy the training.

Mr. Thompson (Red Deer): You buy all the training?

Mr. Francis: That is correct. We do no training ourselves. Most of it is bought through the province from the local school boards.

Mr. Thompson (Red Deer): Are there training centres that are carried on in co-operation with other departments that do not enter into these estimates, where the departments themselves are carrying the cost of such, or even provincial departments?

Mr. Francis: Yes, there are. Our clients, that is the clients from the Canada Manpower Centres, really go into three kinds of training situation. They go into what we call adult education centres, and almost all the people in those centres are our clients, that is, people we have referred and bought courses for.

• 1130

They also, however, go into other types of technical and vocational schools where they can be in two kinds of situations. They can be in a class made up completely of our people, that is, people we have referred. But they can also be in a class made up of others. The others are people which the province and the local school authorities are training at their expense. So, our people tend to be in these three kinds of situations. At this point, Mr. Thompson, I cannot give you the number of training institutions that we have our people in. It is a substantial number, but what the figure is I do not know.

Mr. Thompson (Red Deer): Could you give us the number of trainees presently in training that you are directly responsible for financially, apart from those that may be indirectly involved with your Department but who are the responsibility of provincial or municipal training centres?

Mr. Francis: At the moment I cannot give you a precise figure. At present we have something like 45,000 trainees on course. As you will appreciate, during the course of the year the clients come in and go out of the courses. Last year we trained a total of 294,000 people. Of course, we will not know what

the total for this year will be until the year is over. We expect it will be over 300,000.

Mr. Thompson (Red Deer): This brings me to a third question, which I suppose might be deducted from the statistics you have just been given, but what is the average length of the training period you are involved with where the clients are actually the responsibility of the Department?

Mr. Francis: The average length is six weeks.

Mr. Thompson (Red Deer): The average length.

Mr. Francis: Excuse me, Mr. Chairman, but I think the figure I just gave you is incorrect. I would like to check it. I am sorry, at the moment I do not seem to be able to give you that figure, but I will get it and give it to you.

The Chairman: Do you have any further questions, Mr. Thompson?

Mr. Thompson (Red Deer): Yes. On page 300 under the heading "Employment Services" I notice there are 2,453 bodies involved in the \$8,000 to \$10,000 category under Administrative, which represents by far the largest single group of employees in any classification. It is certainly much larger than the administrative support type of personnel in any single department. What are the duties of this classification? What responsibility do they have? As far as officers are concerned does this represent the basic staff in your 350 manpower centres?

Mr. Morrison: Is it the group of \$10,000 and above which you are principally concerned about, Mr. Thompson?

Mr. Thompson (Red Deer): No, it is the \$8,000 to \$10,000 group.

Mr. Morrison: Most of the officer staff in the CMCs are classified in the program administrative group starting at the PM-2 level, the maximum of which is just over \$8,000. That is the starting grade for a trained counsellor. Above that you have the other staff in the CMCs whose basic job is interviewing clients who are looking for work and deciding whether it is possible to find employment for them immediately or whether they should be counselled to take advantage of adult training or whether a mobility grant might be the solution. The more senior

grades, the PM-3s and PM-4s deal with the more difficult types of cases, many of which have to be referred to outside agencies for assistance and help. You also have to keep in mind that in the smaller CMCs your managerial group, or the person who is running the CMC, will be a PM-4 or PM-5 or a PM-6, or even a PM-7 in the case of the metropolitan areas. Speaking generally, I think the reason for the large number in that salary group is that this is the basis on which our CMCs are staffed with people in that group, with a much smaller number in what is called the administrative support category.

• 1135

Mr. Thompson (Red Deer): Then you would account for this large number by the fact that your counsellors come into this category and they are listed under administrative personnel.

Mr. Morrison: They are administrative personnel in the general sense, but their formal classification is in the program administration group of the Administrative and Foreign Service category. It is a peculiarity of terminology in the classification system.

Mr. Thompson (Red Deer): Are these professional people or are they practical people, as far as vocations are concerned?

Mr. Morrison: From the point of view of the Public Service they are considered to be professional people. Indeed, a large number of them, particularly those who have been recruited in the last few years, are university graduates that we deliberately went out to recruit.

The Chairman: Mr. Francis informs me that he is now able to answer your previous question.

Mr. Thompson (Red Deer): This is in relation to the average length of time.

Mr. Francis: The average in the fiscal year 1967-68 was 20 weeks.

Mr. Thompson (Red Deer): Twenty weeks, that is better. I just have one other area of questioning at this time, Mr. Chairman. We have been impressed by the amount of work that has been done in relation to provincial programs in the study of economic use and development of human resources. Some of the provinces have built up very large programs in this regard. To what degree is co-ordina-

tion being worked out between provincial and federal levels in regard to this whole area of human resource development?

Mr. Francis: I think, Mr. Chairman, we have made substantial progress in developing much greater co-ordination. We meet at the national level with the provincial deputy ministers of education and labour twice a year to discuss our progress and our plans. We meet much more frequently than this at the regional level with our regional officers and the provincial education and labour officials. They are meeting almost on a weekly basis.

We are now moving into a system where we will be discussing with them our plans 12 months ahead so that there can be consultation at the planning stage as well as at the implementation stage. To date we pretty well have had to concentrate on the implementation side because it is a relatively new program, but our feeling is that we are now making very substantial progress in establishing an effective working relationship with all provinces.

• 1140.

Mr. Thompson (Red Deer): Do you feel that the degree of co-ordination and co-operation is growing to the extent that there is not really overlapping or competition between the two levels?

Mr. Francis: Mr. Chairman, I think we still have our problems. No, I would not want to say yet that there is no overlapping or no competition. I think there is some, but I would want to say that we have made very substantial progress in resolving these types of problems and finding a joint approach to this total job.

Mr. Thompson (Red Deer): Perhaps I will not raise further questions in this regard at the moment. Mr. Chairman, there is just one question I notice I omitted in my previous set of questions and it relates to a number of press reports that I have seen that are a bit disturbing and I wonder whether they might be clarified at this point. It concerns the number of intermediate and senior personnel who have been given prolonged courses of orientation on language training, probably over periods of time up to a year.

Some of these reports that I have seen would indicate that people are being moved

over into this area basically because the programming and the responsibilities these personnel normally would be expected to carry out have not been formulated or are not specific enough. Could you comment on that? Do you have the number of senior and senior intermediate people who are in this type of training at the present time?

Mr. Francis: I do not have the figure with me. There is some discussion going on about what the length of a language training course should be. The usual length now is a 24-week course but really it varies all the way from a 6-week course to a 24-week course. I am not familiar with these problems of people being held, in effect, in other types of courses or held in language courses until something else is ready. This would strike me as a sort of problem of operational co-ordination or planning. If you have the specifics on any case of this nature we would certainly look into it.

Mr. Thompson (Red Deer): I have no cases. I am just reading what have been reports. I thought it would be good if this could be clarified, whether there is any basis for it.

Mr. Francis: I am not familiar with this kind of problem.

Mr. Thompson (Red Deer): Do you have the statistics on the number of senior and intermediate senior personnel who are in language training at this time from the Department?

Mr. Francis: Are you talking of our own staff or are you talking of people in the labour force?

Mr. Thompson (Red Deer): No, no; I am talking of your own staff. I am talking about your own personnel.

Mr. Francis: Oh, I am sorry; I answered your question the wrong way.

Mr. Thompson (Red Deer): I am asking this question strictly on the basis of reports I have been in the press and I have no knowledge of them, either.

Mr. Morrison: All I can say, Mr. Thompson is, I have no knowledge of any problems within the Department regarding our own employees who are on various types of language training. I think there is a total of about 150 at the moment.

• 1145

Mr. Thompson (Red Deer): The gist is that you were over-staffed and...

Mr. Morrison: Oh, no. I think I can say quite categorically that the opposite is the truth. One of our problems, as a matter of fact, is to free up people for language training from our own staff and still be able to do our job.

Mr. Thompson (Red Deer): Again I would say that I am asking this question on the basis of reports I have seen. It involves a much greater number of people, I would gather, than this if there is any basis to them and it involves more, or less senior personnel. It is not down in the level of your counsellor I was asking about, the \$8,000 to \$10,000 PM-2 category.

Mr. Francis: Mr. Chairman, of course we would have data on the numbers by category but I know for a fact that our problem is that we have long line-ups of people wanting language training. That is our problem. The Public Service Commission at present cannot accommodate even half of the people that want to get in on it.

Mr. Thompson (Red Deer): I just might be a good thing to find out how many people in the various categories are in language training and what length of courses they are in, if it is not too difficult to obtain.

Mr. Francis: That can be obtained.

The Chairman: Thank you Mr. Thompson. Our next speaker is Mr. Otto.

Mr. Otto: Mr. Chairman, I should like to take our mandarin friends over this point raised by Mr. Thompson in connection with the interrelationship between the provincial jurisdiction in education and our jurisdiction in training. First, do I understand correctly that an applicant has to have been divorced from formal education for a period of a year?

The Chairman: No, no. Just a moment. With reference to the Act on "Occupational training" it reads:

(b) "adult eligible for a training allowance",

Is that what you are referring to?

Mr. Otto: No. I was speaking of . . .

The Chairman:

(b) "adult eligible for a training allowance" means an adult who

(i) has been a member of the labour force substantially without interruption for not less than three years,

Mr. Otto: Three years, is it?

Mr. Francis: Mr. Chairman, that is just for people without dependents who want training allowances. All the rest, which are the great majority, have to be one year past the school leaving age and out of school for at least one year.

Mr. Otto: Let us presume a case where . . .

The Chairman: The distinctions are very important because there are two categories.

Mr. Otto: Let us take the case of a person with a couple of children who is 21 years old has been out of the labour force for quite a period and has had grade 9, who wants to train for an aeronautic technician and, let us say, he is qualified. Now then, you will allow him, I understand, a course to bring up his education. Let us suppose he has grade 9 and he needs grade 12; do you allow him one year?

Mr. Francis: Up to one year, yes.

Mr. Otto: And in that year he has to bring himself up to grade 12.

Mr. Francis: Yes, that is correct, in the basic subjects.

Mr. Otto: Let us presume that at this stage it is found that he is exceptionally bright and is university material. Is there any agreement that you have with the province—because then it becomes an education problem—that will allow you to carry him on?

Mr. Francis: No. If he then wants to go into a university course, we are not involved. There is no way in which we can be involved through this program.

Mr. Otto: Then, what is . . .

The Chairman: However, if he wants to go into a Ryerson course—and if I am wrong you can correct me here—a technician's course at a fairly high level he can apply for a loan up to \$1,500 in Ontario of which \$600 will be written off.

Mr. Otto: Mr. Chairman, we welcome you to the mandarin class.

The Chairman: No, I am just complementing what we have been saying.

Mr. Otto: Then, of course, you say possibly he might be eligible for the provincial grants

or loans for education but that is only \$1,000 a year, I understand.

Mr. Francis: It is a little more than provincial; there are federal loans for education too, for which he might qualify.

Mr. Otto: But you have no agreements or working arrangements to accommodate this type of situation, where the province might look after part of the expense and you might look after the rest.

Mr. Francis: No, not on a working agreement basis. On an individual basis we would be only too anxious to facilitate whatever arrangements could be made for the individual if he wants to go on to university or into any technical institution.

Mr. Otto: In other words, it is possible.

Mr. Francis: It is administratively possible and frequently done, but there is no formal agreement.

Mr. Otto: I see. Well, this is a question that has been raised so many times.

● 1150

Mr. Francis: Mr. Chairman, if I may make one comment, the principle that is important in this training program is that we are training people for employment; we are not training them for further education. As I mentioned earlier, when training is authorized there has to be an occupational objective in sight. It is an issue of priority.

Mr. Otto: I understand this. It brings to mind the problems that may occur, and frequently do, where a person who has enrolled in a requalification course, purportedly and at first for a job—employment opportunity—finds that he is talented and clever. It is a shame, I think, to steer this man towards employment if the country could get more benefit by furthering his education. This is the purpose of my question.

Mr. Francis: Mr. Chairman, if it were clear that his interests lay in the direction of further education we would not insist that he go into employment; not at all. It is clear that the country and he would benefit substantially in the case you are describing.

The only point I am making is that looking at this program in total, in terms of its broad purpose and policy, that is not what the program was designed to do.

Mr. Otto: Would the same apply in the case of an applicant who enrolled in a specific course but found during his re-education, or in getting his matriculation points, that he was qualified for a grade higher? Your Department would not insist that he stick to the original application?

Mr. Francis: No, not at all.

Mr. Otto: This has been raised several times and I believe I have written to your Department on several occasions. In a case like that it is possible to appeal, and the applicant may, if he shows promise, upgrade his employment objective?

Mr. Francis: He may change his employment objective, yes.

Mr. Otto: I have another question.

I notice in the Estimates that you are going to spend approximately \$1,086,000 on publications and broadcasting. What type of publications do you put out for general distribution?

Mr. Francis: Mr. Chairman, a great variety of publications are to be used at the Canada Manpower Centre level to help clients.

For example, I have here a publication, a pamphlet which is handed to a client whom we refer to training. It tells him all the conditions of the training and gives him specifics about his course, when it starts, what he is eligible for, where he goes and when he should go there, and so on. That is one kind.

Here I have another pamphlet that is handed out on the manpower mobility program. We have a range of general pamphlets encouraging people to upgrade their skills or get more education.

Mr. Otto: Are the ones that you are holding up now distributed generally through the mail or are those strictly for the Manpower Centre?

Mr. Francis: These are distributed primarily through the Manpower Centres.

Mr. Otto: I see.

Mr. Francis: There is quite a range of these types of pamphlets, covering projects and services that we make available, not only to the individual client but also to the employer.

In addition, of course, we spend money for promotional purposes to other ends. This current year we have spent about \$150,000 on a

special promotional campaign to find jobs for students during summer months.

We prepare a number of films to help promote the types of services that we offer to industry. We often prepare films to help us in our internal training activities throughout the Manpower Centres.

• 1155

Mr. Otto: You spoke of pamphlets that are distributed either in your Manpower Centres or at places of employment. What percentage of these go to places of employment where people can obtain them?

Mr. Francis: Mr. Chairman, by far the majority is distributed at the Canada Manpower Centre level. I do not know the percentage, but the officers of the CMC frequently use these pamphlets when they visit employers, for example, if some purpose could be served by making them available at the place of employment.

One thing I did not mention is that we have a range of pamphlets on job prospects and the requirements in different occupations. Generally, these are used for guidance purposes and are distributed widely throughout schools, again through our local CMC's. I do not have the percentages.

Mr. Otto: How do you know that people read these publications that you distribute at Manpower Centres? How do you know whether they understand them, or are interested in them? How do you gauge or judge the reaction?

Mr. Francis: We try to do this by further consultation with our people in the field, who are actually using these publications, and who, we feel, can express a view on how helpful they are, or are not, as the case may be, to people coming into the CMC's or to them as they go out and visit employers and groups to which they may be speaking.

Mr. Otto: Do you ever engage readership research outfits to do the work for you? I raise this because, as you know, nearly all publishers of magazines no longer fly, as it were, by the seats of their pants; they employ agencies whose specific job it is to research readership, understanding, and so on, and, consequently, are able to put out a much more informative publication or pamphlet. Because of the amount of money being spent have you ever considered having a readership service do this type of work for you?

Mr. Francis: Mr. Chairman, I do not agree that we are flying by the seats of our pants. We have an information service in the Department, staffed by officers who are skilled in informational techniques, and so on. It is the function of these officers to try to plan and assess and control this type of thing. We do not engage the outside services of any such group. We feel we have the capability within the Department.

Mr. Otto: I used that expression, Mr. Chairman, which is commonly used, as applying to the situation where all research is done internally, within the Department, or within an organization.

You do not employ any such external experts?

Mr. Francis: We have not done that.

Mr. Otto: You have not done that?

Mr. Francis: No.

Mr. Otto: I raise this subject because I understand the Department of Health and Welfare is now considering it. I wondered whether you were going to allow anything in your Estimates for that type of research?

Mr. Francis: We have not, at this point.

Mr. Otto: Does the same thing apply to your films and your broadcasting and other publicity?

Mr. Francis: Yes; except, of course, in the case of a film we would have that prepared through the Film Board, for example, or by an outside film agency.

Mr. Otto: I see; that is done partially through an external agency.

Mr. Francis: Also, of course, a fair amount of our advertising is arranged for us by an outside advertising agency.

Mr. Otto: In other words, the advertising is already looked after.

Mr. Francis: It is contracted out.

Mr. Otto: But you have nothing for general distribution that is distributed through the mail to inform the public at large who may not always go to the employer's office to pick up a pamphlet.

Mr. W. R. Dymond (Assistant Deputy Minister, Department of Manpower and Immigration): Perhaps I could cite an example. There are two publications: one that is

produced primarily for people going to go into university at the secondary school level or are in university, on careers and education in the university sector and a similar publication produced for technological institutes and community colleges—this level. Those publications, which are annual publications, go very widely to students who are the primary audience for them and who are directly concerned with career guidance and what is offered by various universities and technological institutes and the subsequent career opportunities they can expect following training and education in certain fields. Now they go, not through the offices directly although they are available there, but directly through the school system into the hands of the students.

• 12 noon

Mr. Otto: The reason I ask this, Mr. Chairman, is that as you know in most cases applications come from people who are almost in a panic position; that is, they have been laid off or they can see an immediate end to their careers. There are many other people who might be qualified but it has never been brought to their attention. They are more or less happy at their work. I am wondering whether there is any provision to inform the public at large effectively so that they will know, and they can look at the situation over a longer period of time, rather than waiting until the immediate urgency arises. That is all, Mr. Chairman.

Mr. Thompson (Red Deer): Mr. Chairman, could I ask a supplementary question? Would it be possible to have a kit prepared for the members of the Committee on the publications that are available for the public?

The Chairman: A request was made also at the last meeting to have kits prepared of the various acts and regulations and in due source, I presume, they will be available to the members of the Committee. So both will be done. Thank you, Mr. Otto.

There are several questioners on my list. I have Mr. Broadbent, Mr. Whiting, Mr. Caccia and Mr. Weatherhead. Mr. Broadbent?

Mr. Broadbent: Mr. Chairman, I would like to pursue a line of questioning begun by Mr. Thompson. I would like to know whether figures are available, Mr. Francis, showing the percentage of people currently taking courses in your Department that are involved in courses of six months duration or longer. Would that be readily available?

Mr. Francis: You are referring to Departmental employees?

Mr. Broadbent: No, under the training program.

Mr. Francis: I do not have such figures with me, Mr. Broadbent, but I could certainly see if I could obtain them for you.

Mr. Broadbent: Fine. What I am interested in by this kind of question is to find out, in fact, the degree of sophistication, if you like, of the kinds of training our working force is actually getting in this kind of program. Related to that, I wonder if not here, at least in your Departmental offices, whether we have comparative figures on this kind of question; that is, what percentage of our labour force would be undergoing what could be called skilled trades—training courses like electricians, for example—compared with other advanced industrial nations? Through the UN or other agencies, I am wondering whether we have comparative figures, obviously for western European countries or the United States, to show how we stand with other advanced industrial nations in this respect. Do we have such figures?

Mr. Francis: Mr. Chairman, it would be very difficult and, I believe, impossible to do this at the level of detail suggested. What we do know, and what we have done, is to compare the total amount of training that we are doing in relation to our labour force with what is being done in other countries. During the last fiscal year the average percentage of the labour force in training was .7 on the basis of the comparisons we have been able to make. I am thinking of the United States and all the western European countries. The only country that had a percentage higher than that was Sweden and the Swedish percentage was not very much higher. I believe it was .9. On the basis of the sort of international comparisons you are suggesting, at the moment we look quite good with the exception of Sweden.

• 1205

Mr. Broadbent: This, of course, could be misleading in one sense. Our criterion here is skilled training; that is, are we training electricians? If we take that as the level we are comparing then the figures might be quite different, might they not, as opposed merely

to getting a man from a grade 9 education to a grade 12 education?

Mr. Francis: Well, they might be very different. I just have no way of telling. This would be, as I say, an extremely difficult comparison to make.

Mr. Broadbent: We just have the gross figures?

Mr. Francis: We have the total figures. That is right.

Mr. Broadbent: Would there be any intention by the Department actually to pursue this kind of question? I think it would be very relevant for us as an advanced industrial nation to find out how many skilled tradesmen we are actually producing through retraining programs compared with other nations who are in a competitive situation with us.

Mr. Dymond: Mr. Chairman, I might say a word on this. In OECD in the manpower committee there is naturally an interest in the kind of questions that the member is asking and there is a special experts group working on the question of adult training in six of the member countries—countries like France, Great Britain, the United States, Canada, Sweden and, I think, Belgium. Out of that exercise I think will come some comparative statistics of the kind that is being referred to here. The OECD certainly is trying to get a broader range of statistics in this very area. I think that is the agency for comparison with advanced industrial countries that are members of OECD we rely on for this kind of international comparison and we work with them in that respect. Certainly I think there will be statistics of this kind coming along.

My impression on one of the points you raised about skilled training as compared to educational upgrading training is that most countries are engaged in both kinds of training. They have a problem similar to ours of raising the educational level of the adult labour force before a more sophisticated kind of skilled training can be built on to many adults. While the mix will differ of skilled compared with basic educational upgrading, I think most countries that are involved at all in this area are engaging in both kinds of training with different mixes depending on the country.

Mr. Broadbent: What is the OECD?

Mr. Dymond: It is the Organization for Economic Co-Operation and Development.

Mr. Broadbent: Is it a UN agency?

Mr. Dymond: No, it is an organization of 22, I think, industrial countries, all the western European countries, the United States, Canada and Japan, and it is devoted to policy exchanges on economic growth. It is a governmental organization with headquarters in Paris and it has a number of committees that are devoted to various aspects of promoting and developing economic growth in the member countries.

Mr. Broadbent: Would we, for example, have representatives from your Department located in Paris?

Mr. Dymond: Yes, we have a mission in Paris with a head of mission at the level of an ambassador and a staff. I do not know the exact number. Certainly my impression is that there are four or five officers. Departmental personnel go to specialized committees on various aspects of the organization's work. For example, in this department we are the delegation on the manpower committee and the scientific and technical personnel committee of the organization.

• 1210

Mr. Broadbent: Would one of their prime functions be gathering the sort of statistical information, for example, that I just asked for?

Mr. Dymond: Yes. One of the major contributions they make is the gathering of international comparative statistics in various areas of the organizations concerned.

Mr. Broadbent: Thank you. My next question is do we have any indication of the percentage of people undergoing retraining at any level under the auspices of your department who were actually unemployed before they entered such a course?

Mr. Francis: Mr. Chairman, I cannot give a percentage but our field officers are under instructions to give priority, particularly during the winter months, to the unemployed people, as I believe you know. At the moment we give first priority to unemployed people during the winter months in particular.

Mr. Broadbent: But as I understand it, Mr. Francis, there might have been some policy

change in this respect for this winter as compared with last year, so your percentages might differ.

Mr. Francis: Yes, that is right, they do differ. As you have indicated, there has been a change this year in that we have raised the unemployed to the top of the priority. However, I cannot give you percentages at this stage.

Mr. Broadbent: Would the percentage who actually started courses because they were unemployed not be available, for instance, for the period of 1967-68? What I am getting at, as a matter of interest, is in terms of our working force how many men say, "I want to upgrade my position, so I am going to quit my job and take a course because I want to improve myself", or what percentage just say, "I am out of work now, so instead of just sitting around I have to take some kind of program"?

The Chairman: You want to know the distinction between those trainees who left their places of employment in the hope of obtaining training, as compared to those who were laid off and eventually became absorbed?

Mr. Broadbent: That is right. I think the implications are probably significant.

Mr. Francis: Mr. Chairman, I do not think we could give this percentage, or if we gave it it would mean we would have to go back to the individual registration of each person and recalculate it in terms of the information that is there, and I doubt if in all cases the information would even be set out there in this particular way. The information that is secured from a client when he comes in to a CMC is his previous employment and unemployment history. We do not go into the reasons for his leaving a job, for example.

Mr. Broadbent: So you not think this might be very useful information for the department to now keep a close eye on?

Mr. Francis: It seems to me that perhaps the better way and an even more useful way of getting this information would be through some follow-up studies that we are now doing of the people whom we have trained. These studies would make it possible to be much more specific about the reasons for their previous unemployment—hopefully there would be no future unemployment—and at the

moment we are doing a number of follow-up studies to compare their employment-unemployment income experience before training with what has happened to them afterwards. If we did this for all the clients that come in it would be quite a massive undertaking. At the moment I would question its viability frankly.

Mr. Broadbent: Offhand I would think the study you are doing should be very useful. Also, that in the initial application form for everyone who wanted to take a course perhaps you should have this question, "Why are you taking this course, because you are now unemployed or about to be or simply because you want to upgrade your educational or technical skill?"

• 1215

Mr. Francis: This may be, Mr. Chairman, but in most of the cases the reason they are taking the course comes out during the interview with the counsellor. It is not easy to pin it down to this or that reason.

Mr. Broadbent: Is that right?

Mr. Francis: Yes. For example the individual may come in to the CMC with no intention of taking a course at all. After he has been interviewed and there has been a certain degree of counselling, the client and the counsellor may reach the decision that the sensible and useful thing to do in this situation is to take some training.

Mr. Broadbent: You could still break that down into one of two reasons. Either that man is factually unemployed or is about to be, or he has decided that even though he is not unemployed he wants to take a course to basically improve his skill.

Mr. Francis: Mr. Chairman, there is no problem in breaking them down in terms of what the employment situation is when they come in. It is very easy to determine whether they are unemployed or employed at that point. This can be done. I am sorry, I thought you were referring to his reasons for deciding to take training. If you want information on whether he is unemployed or employed at the time he comes in, this can be obtained.

Mr. Broadbent: Yes, that is the main point. Is that available now, for example?

Mr. Francis: Yes, I can get you some information on that.

Mr. Broadbent: Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Broadbent. Mr. Whiting?

Mr. Whiting: Mr. Chairman, I would like some information with regard to the unskilled worker, the labourer, who gets laid off his job and goes and takes a course. Let us say that he has an aptitude for welding. He starts his course and then he is called back to his job. Let us say he is getting \$96 a week from Canada Manpower and he is called back at \$110 or \$125 a week at his former job. Do many of them start these courses, get partially through them, and then get called back to work and never finish their courses? What happens in cases like this? The courses I am talking about, or similar courses to these, are taken in the daytime and he could not be in two places at once and he could not go at night. What provisions are made for people who fall into this category?

Mr. Francis: We have been quite concerned about this general problem of people starting a course and then leaving it because a job suddenly turned up or for a variety of reasons. The only way we can see of really trying to minimize this sort of situation is to ensure at the time the decision is first made that the individual is genuinely interested in taking the course and in completing it and that the individual does not have at the moment, so far as he or the counsellor can see, a job opportunity in sight that will conflict with the course. Given all this, the fact remains that a person may start a course and when he is part way through it he suddenly finds there is a job in front of him. On these occasions our advice would be for him to complete the course, provided we were reasonably confident that at the end of the course he could then move into a job right away. If that does not appear to be the situation, then the man is likely to go back into the job. This is particularly so if the job pays well, as you suggested—and this is almost always the case—and he receives more than the training allowance which he gets while on course.

We feel we have had some success in ensuring that those people who start their courses complete them. The dropout rate, from our early preliminary information indicates that it is significantly lower than it has been. One of the reasons for this is that the

training allowances are higher, which makes it more practical for a man to complete his course. However, the dropout rate is lower. We think it can be pressed down still lower but these situations are going to remain, as you point out, where a man, after he has started, is confronted with a real job offer, and some of them are going to take it.

• 1220

The Acting Chairman (Mr. Otto): Have you finished Mr. Whiting?

Mr. Whiting: Yes. I just had the one question.

The Acting Chairman (Mr. Otto): I am going to call Mr. Caccia.

Mr. Caccia: Thank you, Mr. Chairman. Mr. Dymond, I was interested in hearing about the fact that you are carrying out some follow-up studies. Could you indicate to us what sampling you have chosen, the extent of the studies and when they might be completed?

Mr. Dymond: You are talking now about the adult training programs. We are still at what I might call an early testing stage in this program of follow-up studies because there is a difficult problem of locating people some time after they have graduated from training and of getting an adequate sampling of the people that have gone. I should not use the expression "graduated from training" as some of those we definitely want to find out about are people who have dropped out because they took a job or have just dropped out in the course of the program. There are very substantial difficulties in getting adequate responses by mail, which means that you have to institute proceedings for contacting them personally and interviewing them in their homes, and so it is a very complicated business.

But we are now at the stage of testing a fairly substantial sample, I think, of two or three thousand people that have been through the programs to work out an adequate instrument, as the trade calls it, for following up and getting information on their job experience, on their earnings, on a number of factors that are relevant to assessing the benefits that they and the economy are getting from the training program so that we may then compare that with the costs to the taxpayer and the government and, hopefully, use that

kind of follow-up program in conjunction with looking at the cost of the program and improving the program in the future.

I think once the testing is over, and that will go on for two or three months, we will put this on a much more massive but sampling basis. All I can say about the size of the sample at this point is that it will have to be adequate, in terms of size, to yield sufficient detail about the different kinds of people in the program, about the program in different areas of the country and about the program in various occupational areas. In other words, that is a technical question that relates to a number of these variables as to just how big the sample will have to be, how much of it can be done by mail and how much of it will have to be done by personal interview follow-up.

I think all I can say is that I am hopeful that we will begin to get some data out of this pipeline on the solution of a number of technical problems, basically, in seven or eight months' time.

Mr. Caccia: Thank you. Mr. Chairman, through you to Mr. Dymond, is it correct to understand that at present the counsellors attached to the training centres are all in a position to counsel and guide the trainees at the beginning of the training but not in a position to give counselling and guidance services at completion of the training, mainly because of an insufficient number of counsellors or a too large number of trainees in relation to counsellors? Do you see any merit in counselling after the completion of training?

Mr. Dymond: On what is going on I would defer to Mr. Francis. I think efforts are being made to get the trainees after the completion of their training to assist in the process of their finding jobs afterwards, which I think is an important development.

• 1225

Mr. Francis: I think Mr. Morrison might answer that, Mr. Chairman.

Mr. Morrison: Well, there is not any really clear-cut answer to the problem. I think we probably have enough counsellors who could undertake further interviews and assistance to the trainees once they have completed their course.

One of the problems is that for all sorts of reasons many of the trainees do not come back to the CMC even though they may have been invited to. Some of them arrange their own jobs. Some of them, before they take the training, have pretty well decided where they are going to work, or they may have left it temporarily and plan to go back.

Some of the training institutions themselves make efforts to find jobs for people while they are at the institution, and one of our problems is to set up a system whereby all trainees will always come back to the CMC recognizing that perhaps they can get some benefit from doing so. This varies from region to region. We are doing it reasonably well in some places, and not too well at other places at the moment.

The Acting Chairman (Mr. Otto): Mr. Francis.

Mr. Francis: I just wanted to say, Mr. Chairman, that we do have a problem here. We are not doing yet an extensive enough follow-through job on the trainees. We keep in touch with them throughout the course because their allowance cheques, for those who receive allowances, are given to them by a CMC counsellor, but sometimes through the school, however. The CMC counsellor goes to the school every time the cheques are issued, but we need to do a better job on the follow-through.

Mr. Caccia: Mr. Chairman, thank you. Is there a deliberate policy on the part of the counsellor to call in the trainee a few weeks before the completion of the training, find out whether the trainee has already arranged for employment, and if not, alert the CMC office that this man will be on the labour market within so many weeks and that guidance will be needed at that point?

Mr. Francis: This system is not in effect at the moment. This is the type of system we are trying now to set up.

Mr. Caccia: Mr. Chairman, may I ask a few questions of Mr. Francis on another subject. May I direct his attention for a moment to Section 3 (b) of the Adult Occupational Training Act, Chapter 94, page 1206.

Mr. Francis, is it correct to interpret this portion of the Act in the following manner; that this section affects in the negative wid-

ows without dependents who have not been in the labour force for three years?

The Acting Chairman (Mr. Otto): For the benefit of the record, would you please read the section?

Mr. Francis: The section to which Mr. Caccia has referred reads,

3. In this Part,

(a) "adult" means a person whose age is at least one year greater than the regular school leaving age in the province in which he resides and

(b) "adult eligible for a training allowance" means an adult who

(i) has been a member of the labour force substantially without interruption for not less than three years, or

(ii) has one or more persons wholly or substantially dependent upon him for support.

The answer to your question is yes.

Mr. Caccia: Thank you. Does this Section of the Act affect in the negative immigrants who arrive here without dependents and who have graduated, or completed university, or completed any kind of training, or not even completed a type of training and who have not been in the labour force for three years?

Mr. Francis: Such an immigrant is no different from the Canadian in the same position.

• 1230

Mr. Caccia: Thank you. Are you aware of any other group besides the two already mentioned that are being affected by this section of the Act, and whose existence has been brought to notice since the inception of this Act?

Mr. Francis: None, Mr. Chairman, that occur to me at the moment. The first one you mentioned we are aware of, and we are trying to find a solution to it. I am not aware of any other one at the moment.

Mr. Caccia: Thank you, Mr. Chairman, in conclusion, I should like to serve notice that at the next meeting of the Committee I shall put forward a motion commending to the Minister an amendment to this portion of the Act. The reason is that during the last 18 months this portion of the Act has affected

our immigration policy in the negative and I will explain why.

As you will recall from the last meeting, we have now embarked on a highly selective immigration policy. We are encouraging and we are giving the necessary points to those applicants who qualify under the new Act, and we are receiving in the country people who have a high degree of skill and of training and of education. We would like to encourage this type of immigration to this country. Having embarked upon this policy it would seem logical that the Adult Occupational Training Act would be phrased in a manner that would encourage and sustain this effort.

Take the case of a nuclear physicist, age 24 or 25, who arrives here with no dependants and who has left university a year before and who needs language training. He would not qualify under the Adult Occupational Training Act because he does not have three years of experience in the labour force, and yet he is a man whose knowledge would perhaps be highly useful if he knew the language.

If you add to this the number—and they were in the hundreds perhaps—of young technicians who had a degree equivalent to what in our part of the country is known as the Ryerson Polytechnical Institute degree, who came here at the age of 19 or 20, and who also could not take language training because of this clause, and if you add to that the attitude on the part of employers who require what is generally known as Canadian experience, then you will see that it is extremely necessary that the Act make all possible provision for people who fall within this category. They are the ones that, under the Immigration Division, we would like to see apply, and who do in fact come to this country if the climate is favourable.

Therefore, the purpose of the motion at the next meeting—I am giving notice of it with the hope that it will be improved upon in its meaning by the members of this committee, so that we will arrive at something that will be as useful as possible—will be to recommend to the Minister that this section be amended in order to encourage the young and the highly skilled and the educated immigrants who come to this country, who on arrival in Canada do not have either the three years in the labour force or do not have dependants. Also not to create undue hardships on the other

category that we mentioned before, widows without dependants.

The Acting Chairman (Mr. Otto): We will not entertain any comments. That is notice to the Committee, and it will be discussed at the next meeting. Mr. Weatherhead.

• 1235

Mr. Weatherhead: Mr. Chairman, with respect to the mobility program, the Minister last week stated that last year some 5,600 people took relocation grants, and another 4,400 received grants to search out new jobs. I was wondering if Mr. Francis or one of the officials could give us more particulars regarding this mobility program. I might give as an example a person coming from Newfoundland to Toronto who thought he had found a job, and who informed the Canada Manpower Centre about this. He apparently received permission to move his family and his goods to the Toronto area and then, according to his account, the employer backed out of the employment arrangement. The Department has now taken the position that it does not have to pay any moving expenses.

I was wondering what these people seeking jobs should do to ensure that they have jobs before moving their families. How can this be arranged so that they are not financially embarrassed by moving their families for long distances and then finding that they do not have jobs?

Mr. Francis: Mr. Chairman, the purpose of this program is to stimulate mobility that would not otherwise take place, not to pick up the price tag for what is going to happen anyway. The object is to get more mobility. The program provides three kinds of grant. There is an exploratory grant, the purpose of which is to permit a person to move to another locality to test the job market situation and also the job if he wants to do that, to make sure that it is satisfactory, and to decide whether he wants to stay there. This grant is for the purpose of avoiding the kind of situation you described.

The second type is the relocation grant. Once a man has become established, or has decided that he wants to stay in the new community, we will through the relocation grant pay for moving his family, his household effects, and so on, to that locality.

The third type is the trainee travel grant. This helps the man who wants training that is not available in his community to move to the nearest one in which it is available, and to take the training in such a community.

I am not familiar with the particular case you raised. If you give me the details I will look into it.

Mr. Weatherhead: I have written to the Department. After the exploratory grant has been given and the person thinks he has a job, what should he do to ensure that he does have a job?

Mr. Francis: Before he moves, the client must be in touch with the CMC at the place in which he resides. If that CMC authorizes the move, then it will notify the centre in the locality to which he is going, and he should get in touch with that CMC when he arrives.

Mr. Weatherhead: Presumably the CMC would require some confirmation from the employer that the job had been arranged, before making this approval of the move.

Mr. Francis: No, it depends on the grant. If it is an exploratory grant, no such confirmation is necessary. If it is a relocation grant, then what you say is right.

Mr. Weatherhead: Mr. Chairman, I did not see in the estimates an item with respect to these mobility grants. Where would that be found?

The Chairman: Page 304.

Mr. Weatherhead: I see; thank you, Mr. Chairman.

I notice at page 301 of the Revised Estimates under Occupational Training for Adults that Purchase of Training has increased to about \$103 million from \$31 million last year. Would this mean that about three times as many people are being trained this year compared with last year or that the cost of the services has increased considerably? Could you comment on that a little bit?

• 1240

Mr. Francis: No, Mr. Chairman, it would not mean that three times as many people are to be trained. It reflects in part a difference in cost but I think the primary reason is that since this program is such a new one we have not been able to judge the amount of

money required to pay for the courses and the amount of money required to pay for the allowances, so what we have to do at the end of the fiscal year is make an adjustment between the \$103 million provided here and the amount provided on page 304 for Training Allowance.

The Chairman: The amount is \$113 million?

Mr. Francis: That is right, \$113 million. There is one other factor; we still have payments which we must make to the provinces in respect of the previous technical vocational training program, the shared cost program. The amount on Page 301 makes provision for that.

This problem is twofold. It is deferred charges but it is also a problem of people who were in training under the old program at the time we changed, and that commitment was that we would pay for the completion of that training if they were on course at the time.

Mr. Weatherhead: Mr. Chairman, did we have a figure earlier of the increase in trainees between the last two fiscal years or the last two recorded years?

Mr. Francis: In 1966-67 we trained a total of 148,000 people and in 1967-68 we trained a total of 194,000.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: For those who are asking questions for the second time, if you do not mind I will give precedence to Mr. Turner.

Mr. Turner (London East): Mr. Francis, are all sponsored immigrants entitled to a living allowance?

Mr. Morrison: Perhaps, Mr. Chairman, I should undertake to answer that since the Immigration people are not here. When you refer to sponsored immigrants, do you mean the whole category of relatives who come in?

Mr. Turner (London East): No, just individuals coming over when they are sponsored by somebody else. Are they entitled to living-out allowances?

Mr. Morrison: Under OTA?

Mr. Turner (London East): We will say, studying English or French. Some are getting it in the London area and some are not.

Mr. Morrison: Any immigrant who was referred to language training whether he was

sponsored or came on his own should be treated in exactly the way we were speaking of earlier. If he were entitled to the allowance he would get it, but I think the point has been made that many of them who are perhaps entitled to have training purchased for them are not entitled to receive allowances because they had not been in the labour force for three years before they came to Canada as immigrants.

Mr. Turner (London East): Well, some are getting paid and some are not.

Mr. Morrison: I think it must be the distinction, though, between those who were working in their home countries before they came to Canada and those who came directly from some form of education or technical training. This would have to be the distinction.

The Chairman: It is the present distinction. Regardless of whether an involvement in the labour force has taken place, there is no distinction.

Mr. Morrison: If I may I should also like to point out that under the Immigration regulations for those people who come under the sponsorship of a relative already here, whether they are technically sponsored immigrants or technically nominated relatives, the person sponsoring them accepts complete responsibility for looking after them when they arrive. Really, the independent immigrant who comes on his own is the one we deal with mostly. There are other obligations on the part of the relative in Canada to provide assistance to the relative that he sponsors or nominates. This is all laid down in the Immigration regulations.

• 1245

The Chairman: It is mainly the open placement immigrant that Mr. Morrison is referring to who belongs to that category of recently graduated or licensed person who arrives here on his own.

Mr. Turner (London East): I have a case where there are two sponsored immigrants; one is getting \$37 a week, I think it is, to study English and there is his pal who is not.

Mr. Morrison: If you would like to send us the particulars, we would be glad to look into it and make sure that they are both being dealt with properly.

Mr. Turner (London East): They think it is discrimination.

Mr. Morrison: It certainly is not intended to be and probably relates to the difference in backgrounds and circumstances of the two different immigrants.

The Chairman: In all fairness it must perhaps be explained that the Act was drawn with a very clear purpose in mind. It was drawn in such a way as to discourage drop-outs from school. Right? This was the original purpose of that particular clause and it still is a very valid point. Are there any further questions, Mr. Turner?

Mr. Turner (London East): No, thank you.

The Chairman: Then we go into the second round of questioning. Mr. Murphy?

Mr. Murphy: Mr. Chairman, on Page 302 under the heading Employment Stabilization, what exactly is the function of that Department?

The Chairman: What is the point of the Employment Stabilization? What fund?

Mr. Murphy: What does that Department do?

Mr. Francis: The provision here covers the staff and related expenditures involved principally in the administration of the municipal winter works incentive program.

Mr. Murphy: I see. I notice that the amount of money provided there for advertising, broadcasting and so forth is unusually high. It forms an unusually high percentage of the total expenditure compared with the other areas. There is about 30 per cent here for advertising, broadcasting and so forth and there is not nearly that percentage spent in the other areas that are dealt with.

Mr. Francis: Well, Mr. Chairman, there was a separate activity here which was a publicity campaign to encourage people to do their work—the “Do It Now” campaign—in the winter months and that item is related to that publicity campaign.

Mr. Murphy: Has that not been discontinued now?

Mr. Francis: Oh, no. The municipal winter works program has been discontinued.

The Chairman: Why do they not do it now?

Mr. Francis: Provision is made here for a continuation of the publicity campaign at a reduced level.

Mr. Murphy: The “Do It Now” campaign is continuing?

The Chairman: It is continued—not discontinued. Now, we still have two more questions: one from Mr. Otto and one from Mr. Whiting.

Mr. Otto: Very briefly, Mr. Chairman—and Mr. Dymond, I think, can answer this. I believe that you are in charge of the research of the Department. Do you do any research throughout industry in general on those segments of industry which may be phased out in the next five or six years?

● 1250

Mr. Dymond: We have a section of the Research Branch that is called Productivity and Technological Change, which is devoted to research on that question of the impact of technological change on manpower requirements and the adjustments in manpower that are required as a result of the impact of technological change. That kind of research should give us, and has in the past, some clues to the kind of occupation that will be phasing out in future years, the kind of industrial employment that may be hit adversely by technological change, and that sort of thing. We have worked in that area.

Mr. Otto: Now, in the application of this research, let us presume that you have decided that the people employed in inventory control—bookkeepers, ledger keepers, and so on—will be phased out by automation in the next five years. Do you then undertake any promotional campaign in that branch of industry to inform the employees that their chances of staying on are going to be slim over a period of years, and that they should get interested in requalification? Do you do that, do you follow that through?

Mr. Dymond: I would not say that we have what you might call a promotional campaign. The results of this kind of research and research on future manpower requirements by occupations get into the hands of our counsellors, and when they encounter people who are in occupations that seem to be declining and phasing out they presumably, if it seems appropriate for the individual, will

encourage the individual who appears before them to undertake retraining and get into another occupation.

However, we do not go into private industry and reach out to say to individuals that this will be the case. They might read literature on this subject that we produce. There is also, as Mr. Francis whispered to me, our manpower consultative service program where there is a technological change in the offing in a particular enterprise, science or even industry. A joint research will be set up with the union and the management. We pay half of the cost and that research will highlight in that particular enterprise the areas of displacement and lead to the development of a plan for dealing with it which will involve training, so that in the cases where we are in with the manpower consultative service program we are right in the industry.

Mr. Otto: In other words, what you are saying is that the results of the research

are being applied in that way in consultation between union and management and presumably then the employees are informed?

Mr. Dymond: Right.

Mr. Otto: Thank you very much, Mr. Chairman.

The Chairman: Thank you, Mr. Otto, Mr. Whiting?

Mr. Whiting: Mr. Chairman, will we be discussing the mobility program on Friday? Will we still be on that?

The Chairman: We are on Items 5 and 10 and we will resume our discussion on Items 5 and 10.

Mr. Whiting: I can let my question go until Friday as the time is getting on.

The Chairman: All right. If it is your wish, we shall adjourn now and meet again at 9.30 on Friday morning. Thank you, very much.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

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ALISTAIR FRASER,
The Clerk of the House.

Government
Publications

HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

FRIDAY, NOVEMBER 22, 1968

Revised Main Estimates (1968-69)
relating to Manpower and Immigration

WITNESSES:

From the Department of Manpower and Immigration: Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. R. B. Curry, Assistant Deputy Minister (Immigration); Mr. J. C. Morrison, Director General of Operations; Mr. G. E. Simmons, Chief, Financial Management and Budgetary Analysis Section.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance

and Messrs.

Alexander,
Breau,
Brewin,
Broadbent,
Dumont,
Knowles (*Norfolk-
Haldimand*),

Loiselle,
McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,
Otto,
Paproski,

Roy (*Timmins*),
Skoreyko,
Thompson (*Red Deer*),
Turner (*London East*),
Weatherhead,
Whiting—20.

Michael A. Measures,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

FRIDAY, November 22, 1968

(6)

The Standing Committee on Labour, Manpower and Immigration met this day at 9.51 a.m., the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Broadbent, Caccia, Dumont Knowles (*Norfolk-Halldimand*), Loiselle, Murphy, Roy (*Timmins*), Thompson (*Red Deer*), Turner, (*London East*), Weatherhead, Whiting (11).

In attendance: From the Department of Manpower and Immigration: Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. R. B. Curry, Assistant Deputy Minister (Immigration); Mr. J. C. Morrison, Director General of Operations; Mr. G. E. Simmons, Chief, Financial Management and Budgetary Analysis Section.

The Committee resumed consideration of items 5 and 10 of the 1968-69 Revised Estimates relating to Manpower and Immigration, under—

DEVELOPMENT AND UTILIZATION OF MANPOWER

Mr. Francis gave answers to some questions asked previous to the meeting this day and referred to a Departmental Information kit, copies of which were distributed to the members.

Mr. Francis was questioned, assisted by Mr. Simmons.

Questioning having been completed, items 5 and 10 were carried.

The Chairman called item 15 relating to Manpower and Immigration, namely

IMMIGRATION

item 15 Administration, Operation and Maintenance

etc\$23,692,000

Mr. Curry was questioned, assisted by Mr. Morrison.

On completion of the questioning, item 15 was carried.

The Chairman called the following items relating to Manpower and Immigration:

PROGRAM DEVELOPMENT

item 20 Administration, Operation and Maintenance .\$. 5,522,600

item 25 Grants, Contributions and Subsidies etc\$ 775,000

Items 20 and 25 were carried.

At 11.02 a.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

• 0951

Friday, November 22, 1968.

The Chairman: I now call the meeting to order. I will ask for your indulgence as we are starting our proceedings just short of a quorum. I understand we will have a quorum in a short time.

I have two announcements to make. First, the notice of motion I put forward at the last meeting is out of order and, second, we have with us today Mr. Curry, Mr. Beasley and Mr. Simmons from the Department of Manpower and Immigration. If it is your desire, we might be able to move to that Department this morning if we make sufficient progress with our work today.

At the last meeting we were dealing with Items 5 and 10 on which number of questions were asked. Some of you, perhaps, were not here and I would welcome questions from those who were not present at the last meeting. While you are gathering your thoughts on the subject matter, Mr. Francis has informed me that there are a few outstanding questions which he is now in a position to answer. I will, therefore, call on him at this time.

You are all familiar with the officials who are present today, I presume, but in case you are not, we have Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. J. C. Morrison, Director General of Operations and Mr. W. R. Dymond, Assistant Deputy Minister (Program Development Service).

Mr. J. P. Francis (Assistant Deputy Minister (Manpower), Department of Manpower and Immigration): Mr. Chairman, there were a number of questions to which I can now give answers.

The first one dealt with the number of people in the Department who had taken language training, which was asked by Mr. Thompson (Red Deer). The reply that I can give refers to the previous fiscal year, 1967-68, by category. In that year—not all of it—from September 1967 to April 1968, 137 employees of the Department took language training. These figures are broken down by

salary levels and are as follows: under \$4,000—six; \$4,000 to \$5,999—twelve; \$6,000 to \$7,999—four; \$8,000 to \$10,999—eighty-one; \$11,000 to \$13,999—eleven; \$14,000 to \$16,999—five; \$17,000 and over—eight. Included in these figures are ten who were not identified for some reason.

I am informed also that to date in this fiscal year, we have given language training to 150 of our staff.

If I could go on to the next point, we were asked to provide kits on Departmental publications, Acts and so on. Those things are over in the corner if any of you want them.

Mr. Thompson (Red Deer) I believe, also asked for the number of trainees who were taking courses of six weeks duration or longer. The percentage for the last fiscal year, 1967-68, of trainees who were taking courses of six weeks duration or longer, was 87. On the basis of preliminary information this year the figure has gone up to about 95 per cent in courses of six weeks duration or longer. I did mention at the last session the average duration of course and I gave a figure of 20 weeks for 1967-68. Preliminary information for this year suggests the figure of 25 weeks on the average.

Mr. Broadbent asked for a breakdown of trainees by unemployed and employed. I was able, on a sample basis, to get some information for the last fiscal year, 1967-68. I must add a caution about these figures. They were taken from a rather small sample and I am not sure they are representative, but with that caution they show about 39 per cent had been working for pay or profit in the week prior to starting their training and 48 per cent were unemployed in the week prior to starting their training. About 7 per cent had been keeping house during the week prior to starting their training and the remainder were in categories such as sick, not looking for work and so on.

Mr. Broadbent: What was the size of your sample?

Mr. Francis: It was very small.

Mr. Broadbent: Was it from 25 people, for example?

Mr. Francis: No, it was from 1,000.

Mr. Broadbent: It was taken from 1,000 people out of a total of 293,000?

Mr. Francis: It was very difficult to get a figure because we had to go back to the original documents.

Mr. Broadbent: Were these randomly distributed throughout the country?

• 0955

Mr. Francis: I would hope so, yes. This was the intention. However, I would not want to present this as a scientifically selected sample. The figures were just taken from the documents on which we could put our hands.

[Interpretation]

Mr. Dumont: Mr. Chairman, concerning the language classes, you have quoted figures including amounts paid out in salaries. I do not wish to return to the total but I wonder whether you have established a difference between those who wanted to learn French and those who could already speak French and wanted to learn English. Do you have these data?

[English]

Mr. Francis: Yes, of the figure I gave you of 137, 81 took language training in French, that is, they were learning French; 56 were learning English.

[Interpretation]

Mr. Dumont: Thank you.

The Chairman: Any other questions?

Mr. Dumont: I have a few more questions, but this means going back a bit. I am sorry that I was not at the last sitting since my plane could not take off on account of the weather. I would like to come back to page 298 for an explanation. Are the insurance premiums for surgery or medical treatment received by public servants paid to a company or is the plan administered by the Federal government? I see also that there is a decrease. These premiums cost 296,000 for 1967-68 and only 144,900 for 1968-69. What is the reason for this decrease? Why is there a decrease in the amount of premiums, in the total of premiums?

It is in the revised estimates for October.

[English]

Mr. Francis: Mr. Chairman, I think we will have to check on the answer to that question and give it to you, if we may, a little later. I am sorry we do not have that information with us.

• 1000

[Interpretation]

Mr. Dumont: One last question. I supply notice that for each item we always find at the end the word "sundries".

1968-1969, on page 299 this amount is given as \$12,367.68, this is given on nearly every page. Is there any explanation for these sundry expenditures which I see at almost every item of the budget?

On page 300 also, \$21,000 instead of \$13,000. On page 301, we see \$7,000 which is a decrease.

[English]

Mr. Francis: Which column?

Mr. G. E. Simmons (Financial and Administrative Services, Canada Manpower Division, Department of Manpower and Immigration): The items included under the heading "Sundries" are those miscellaneous items that cannot be identified.

[Interpretation]

Mr. Dumont: For one item, perhaps but there is a total increase of \$22,000...; In one place there is a reduction of \$10,000 which was re-distributed. There is one decrease of \$10,000 on page 301. If you look at the various sundries and make a quick calculation you see a total increase of \$22,000. If the entire increase is for entertainment—\$22,000—then there is something not quite right here. For an increase of \$22,000 there must be some other explanation.

[English]

Mr. Simmons: With reference to this Item, included under "Sundries" are those items that cannot be properly included under any other category. They include such things as hospitality that might be extended by the various programs; a variety of smaller items such as entertainment while on travel status and things of this nature. I think the reason for their reduction is the fact that some of the items that have been charged in the past have now been able to be identified in the other categories and, therefore, have been placed in those categories.

The Chairman: Improved accounting system.

[Interpretation]

Mr. Dumont: Could these details appear in the report so that we have explanations just as though they had been given to us here today.

• 1005

[English]

The Chairman: Mr. Dumont, perhaps the Department would be in a position to give you a reply in writing which would outline the details. Would that be satisfactory?

Mr. Simmons: We can produce the details included in the various items, but to identify them from these figures, it is somewhat difficult.

The Chairman: In the form of correspondence to you. We do not want to hold up all the estimates because of an Item such as this. Is that acceptable to you, Mr. Dumont?

Mr. Dumont: That is fine. Thank you very much.

The Chairman: The outstanding questions have been answered. Mr. Dumont has asked further questions and if there are no further questions, I will call the Item so we can make progress.

Are there any further questions?

Mr. Murphy: Going back to the heading "Employment Stabilization" on page 302 of the large Blue Book, I noted at the last meeting that the advertising budget as it would appear from that section of the estimates, only covered that particular area. This was reduced from \$375,000 to \$50,000, but even with that reduction there apparently has been an increase of two man years, an increase in personnel and an increase in salaries to carry out work which, obviously, is much lighter than was carried out the previous year. Is there an explanation for that?

Mr. Francis: Mr. Chairman, I think there was a decrease, not an increase of two people—two man years.

Mr. Murphy: I am sorry, I was looking at the wrong column.

Mr. Francis: The reason, however, that there is still a need for positions with respect to this work is that the accounts for the projects which took place last winter under the Municipal Winter Works Incentive Program come in throughout the succeeding fiscal year. In fact, the majority are just now

being dealt with—those that took place last winter. They are verifying the accounts and authorizing payment of the claims back to the provinces and through them to the municipalities. That work will terminate some time this winter and will disappear.

The Chairman: Thank you, Mr. Francis. Are there any further questions?

Shall Item 5 carry?

Item agreed to.

The Chairman: Shall Item 10 carry?

Item agreed to.

The Chairman: I now call Item 15.

IMMIGRATION

15. Administration, Operation and maintenance, including trans-oceanic and inland transportation and other assistance for immigrants and settlers subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants and \$36,000 for grants to Immigrant Welfare Organizations . . . \$23,692,000

This will be found on page 307 of the Blue Book. As you all know, this is Mr. Curry and Mr. Beasley is seated on the other side of Mr. Morrison.

The meeting is open for questions. If there are no questions to ask of Mr. Curry I will call the Item, but I think you probably do have some questions. You will remember the statement by the Minister which you probably have received in the meantime.

Mr. Thompson (Red Deer): Mr. Chairman, may I ask a general question?

The Chairman: Certainly you many.

Mr. Thompson (Red Deer): Would it be possible without too much trouble to have a list of our foreign immigration officers, the number of applicants and the number of accepted immigrants, perhaps, by category? Would that be too difficult to obtain?

Mr. Curry: It would not be all that difficult, Mr. Thompson, but it could not be done this morning—

Mr. Thompson (Red Deer): No, no.

Mr. Curry: We could get it for you within a day or two.

• 1010

Mr. Thompson (Red Deer): It might be useful. I have one or two questions with regard to the numbers of qualified immigrants who are applying from some other countries and the number who have been accepted. Another general question relates to our immigration situation with the United States since the United States imposed their quotas on the Western hemisphere. Apparently in recent months the United States are adhering to a strict quota system for the Western hemisphere which permits into the United States about 170,000, I think, a year. We, in Canada, are apparently getting a small pro rata of that total figure to the extent that I have personally a voluminous file of Canadians who for one reason or another are attempting to go to the United States and who just cannot get satisfactory action from the United States. Several areas of concern involve the wives, perhaps, of Canadian students who are studying in the United States, and who want to be with their husband and to do so, want to have employment. In order to gain the necessary work permit they have to go down as landed immigrants. It is practically impossible for them to get across.

Is this affecting, in any way, the flow of immigrants from the United States to Canada? Is there any concise information that you might be able to give to the Committee in regard to the picture as it relates to these new regulations of the United States?

Mr. Curry: Mr. Chairman the question of the member has several aspects to it. The first one was really the ease with which Canadians might now immigrate to the United States.

Mr. Thompson (Red Deer): Or lack of ease.

Mr. Curry: Yes, I use ease in both senses, the difficulties. This, of course, is not the immediate concern of our Department.

Mr. Thompson (Red Deer): I realize that.

Mr. Curry: All we do really is get physical information from the United States authorities on the numbers of Canadians who go into their country. Instances have been brought to the attention of the Department, not particularly with respect to immigrants seeking to go to the United States, but the ease with which persons go into the United States for business

purposes, that sort of thing, for more or less lengthy periods. There certainly has been some evidence of tightening by the American authorities in the granting of work permits. We have had representations from various people and from various organizations, and we intended to put them into the political area. In other words ask them to make their presentation to External Affairs and through them to the United States authorities. Really all we can do is tell them some alternate routes.

The other question Mr. Thompson asked was with respect to the flow of American immigrants to Canada. Actually the flow here over the last several years has been increasing to the point where we are getting about 18,000 or 19,000 immigrants to Canada in a year. Last year and the year before were about that order. It has decreased somewhat this year but not out of proportion to the decrease generally in immigration, and not nearly as great as the decrease from Great Britain in this current year, 1968, to date. In other words they do reflect to some extent the impact of our own regulations of last fall, October 1967. However we would expect that the number would not be out of proportion to the over-all decrease we are experiencing this year.

Mr. Thompson (Red Deer): You are then saying that we are experiencing a slump in immigration?

Mr. Curry: This came before the Committee, I think, in your absence. I think you were not here Mr. Thompson when the Minister said—

• 1015

Mr. Thompson (Red Deer): Probably not.

Mr. Curry: I think some passing reference was made to this the other day. The year 1968 will probably show something in the order of about 20 per cent fewer immigrants coming to Canada than 1967, which was the biggest year since the late fifties. It has been in part a result of the new selection techniques; it has been in part a result of the economic situations in countries from which the immigrants come; it has been in part the reading of potential immigrants of Canadian economic conditions, and it has been in part our own discouragement to borderline immigrants, those who would just make it, or qualify, by inviting them to postpone for some months or for some little time their

coming to Canada until housing and employment in this country are a bit easier.

We have been very disturbed in the Department, as other members of the Committee know, at the rise in 1967 and more markedly this year, in our welfare assistance payments, which have gone up a great deal. This is to take care of the immigrants between the time they come here and the time they enter into gainful employment. These rises have been very marked, particularly in the province of Quebec, and more particularly in the City of Montreal, respecting a good number of local conditions. We have felt in the Department that it was incumbent on us therefore to discourage or dissuade immigrants, not all that forcibly, but reasonably; to acquaint them with conditions just now in Canada; to discourage those with large families, particularly, and those of the lower earning capacity, so they would postpone their coming to Canada just at this time. All these factors added up, have amounted to some decrease, running, I would think, about the order of 20 per cent probably this year.

This is offset to some degree by the Czechoslovakian people who probably will number 8,000 or more by the end of this current year. When I say 20 per cent it neglects the Czechoslovakians which will cut that down.

Mr. Thompson (Red Deer): One question then follows out of this reply relating to the Czechoslovakian immigrants. For the most part are these immigrants able to obtain employment. Has there been a satisfactory response?

Mr. Curry: I am going to make a general response to this and then ask Mr. Morrison to give you a bit of detail. In general we have found most of the Czechoslovakians have either to get language training in English or in French as the case may be, or they may have to have some degree of trade training, brushing up in Canadian terms on their trade before they go immediately into employment.

I am not talking about all of them by any manner of means. There are professionals and others who, perhaps, can get on rather quickly, but the bulk of them we have to give training to before they can get into work. Now Mr. Morrison may want to supplement that statement, Mr. Thompson.

Mr. J. C. Morrison (Director General of Operations, Department of Manpower and Immigration): The statistics which we try to keep up to date more or less on a day-to-day

basis show that as of November 18 approximately 50 per cent of the Czech refugee immigrants who are here already have found work either permanent or temporary. In addition we have 2,500 of them on language training in either English or French. I think basically we are not having too much difficulty in finding employment for those who do not need language training and we are busily engaged in getting the training for them. Once that is completed I think on the basis of experience to date that most of them will find employment without too much trouble. This is out of a total arrivals in Canada, up to November 18, of about 5,500, which of course includes dependents, 1.5 per family sort of thing will give you a rough indicator of the number of heads of families who are looking for work.

Mr. Thompson (Red Deer): Are professional people such as the dentists having their problems clarified?

Mr. Morrison: We are trying to sort them out as best we can. There is a limit, as you appreciate, to what the federal authority can do in this area. However, my understanding is that the various professional associations themselves, particularly dentists and medical, are doing quite a bit to try to sort this out to give these people a real opportunity to be accepted and to be able to practice their professions.

• 1020

Mr. Curry: You may have noticed, Mr. Thompson, recently in Ontario the dental association is making an exception to their normal rules in this respect.

Mr. Thompson (Red Deer): After much pressure.

Mr. Curry: Yes, this is quite true but we are very happy that even after much pressure there is a positive reaction.

Mr. Thompson (Red Deer): Have the points of exit, as far as Czechoslovakian control is concerned, closed?

Mr. Curry: We find it very hard to get a completely satisfying reading on this. Certainly, they are in the process apparently of much tighter restriction. I would think a fair estimate of the situation today would be that we are possibly in the process of what one might call flushing out the pipeline. In other words those who have been in Austria for

some time and have found great difficulty in making up their minds which way to go. Probably beginning last week there was an upsurge in the number of applicants at our offices in Vienna. For several weeks now to come we will experience a sort of a wave, a new wave. Then presumably this thing would fall off pretty sharply, if the political situation in Czechoslovakia is tighter, and there is every appearance that it is getting tighter. We cannot state flatly that the border has been closed.

Mr. Thompson (Red Deer): Mr. Chairman I would like to ask a few questions in another area. Why have we removed our immigration officials from South Africa? In other words, why prospective immigrants from South Africa have to deal with our immigration office in Beirut?

Mr. Curry: We have not had immigration officials in South Africa?

Mr. Thompson (Red Deer): Ever?

Mr. Curry: No, no. We have no permanent office there. We had, perhaps, the use of officers by travel who had gone into South Africa.

Mr. Thompson (Red Deer): You are not doing that now?

Mr. Curry: They are based in Beirut. No, we cannot do that because the South African government objected to the proposal that we should send a team of men.

Mr. Thompson (Red Deer): Have you any reports from South Africa of obstructions being placed in the way of applied immigrants who have made application and perhaps been accepted in having to make deposits of money with local authorities before they are granted exit permits?

Mr. Curry: No, I know nothing of that. It has not been drawn to our attention. We have obliquely taken the position that if the South Africans can come to another point outside their own territory, and make application where we have a permanent office or where we can deal with their application that we will entertain it. However, it has not been drawn to my attention. Mr. Beasley might have some information on this point. I have not heard anything about this deal that you suggest.

Mr. Thompson (Red Deer): I have a number of examples, and I think these require-

ments are in order that they might have a guaranteed passage home, if they do not, but...

Mr. Curry: Yes, Mr. Chairman, we would be happy to have anything direct from Mr. Thompson on this point. We have not met it yet.

Mr. Thompson (Red Deer): I have another question relating to this. Have you any statistics—I realize this is not really directly your responsibility—of Canadian immigrants going to South Africa?

Mr. Curry: No.

Mr. Thompson (Red Deer): In terms of numbers?

Mr. Curry: We do not have it at hand and we would have to get the information through indirect channels, through agencies other than our own.

Mr. Thompson (Red Deer): Did I understand you to say you have it?

Mr. Curry: No, we have not.

Mr. Thompson (Red Deer): I see.

Mr. Curry: We do not have information of that sort. We can get some information of that sort through other channels in the Canadian...

Mr. Thompson (Red Deer): Might it be possible to?

Mr. Curry: Did you have any particular country in mind? Did you mention South Africa?

Mr. Thompson (Red Deer): I mentioned South Africa specifically.

Mr. Curry: We will certainly take notice of that and try to get that sort of information. You realize information on the exit of Canadians from Canada would come through channels such as the Department of National Revenue and other channels?

The Chairman: Have you any further questions?

• 1025

Mr. Thompson (Red Deer): Another area that concerns me, and Mr. Chairman I would like to hold further questioning until we get these statistics—

The Chairman: I think you should ask questions which are of a general nature rather than related to personal experience.

Mr. Thompson (Red Deer): Perhaps I might then leave these questions until later. I have some personal contact with foreigners wishing to come here from Commonwealth countries, and I am thinking specifically of Australia and New Zealand, who have difficulty with our own immigration officials to the extent that a number of students are going to the United States, or to other countries rather than coming here because of excessive requirements as far as guarantee of support and this type of thing is concerned, or because of delay.

Mr. Curry: I might just answer that in a very general way. Our difficulties with respect to Australians and New Zealanders usually turn on delay, which is not any different than it is in many other countries where we operate immigration offices. It is peculiarly unsatisfying to Australians who are used to having things done, from their point of view, rather quickly. This all turns, Mr. Chairman, on the amount of resources which Parliament provides for us. Any day we get more dollars we can give faster service.

Mr. Thompson (Red Deer): The Americans are apparently able to give much faster service.

Mr. Curry: Maybe they have much more money.

Mr. Thompson (Red Deer): I am concerned about this because large institutions have lost good students.

The Chairman: Thank you, Mr. Thompson. We have now Mr. Roy, followed by Mr. Knowles, Mr. Dumont and Mr. Broadbent.

Mr. Roy (Timmins): Sir, what status do the young people have who came into Canada from the United States, who are known to be evading the draft, when they are crossing the border? Do they come in as visitors or do they obtain their residency?

Mr. Curry: Some come from time to time as visitors of course. As you know, a whole horde of Americans do. However, a considerable number come also as immigrants, and actually the question of their draft status does not enter into our considerations at all.

Mr. Roy (Timmins): I am not thinking of the draft status, I am just asking under what sort of status do they come over?

Mr. Curry: Well, either as non-immigrants, or as immigrants, or as students, and so on.

Mr. Roy (Timmins): After these people have crossed the border, if they are here as visitors, or as students or whatever, how do they obtain the particular status that permits them to remain here?

Mr. Curry: Like anybody else; under the regulations of last October 1967, people who are in Canada legally may apply to become landed immigrants in Canada. They go through the normal channels any non-immigrant who wants to stay here would take.

Mr. Roy (Timmins): I understand there is a need for a guarantor, or some sort of guarantee of support after they become immigrants or under a visa. Is there any need for a guarantee of support?

Mr. Curry: I am not quite sure what point is being made. Mr. Morrison will deal with it.

Mr. Morrison: These young people who come in from the United States as students—this may be the cause of the problem—would come on the same basis as students from any country. One of the requirements for admission as students is that they have, either in their own persons or through relatives, sufficient financial support to proceed with their studies to their conclusion without having to take employment.

Mr. Roy (Timmins): Do you mean that all the young people who come in here from the United States are students?

Mr. Morrison: No, no. I am saying, that part of the group that come as students would be required to show that they had sufficient financial means available to them to support themselves as students. Now if they come as visitors, which is another category in which many of them come using visitors in the sense of tourists, although this is one of the technical categories that are laid out in the Immigration Act, the only question that might be asked of them about financial support is: Have they enough money to support themselves during the two weeks or two months that they plan to visit in Canada?

• 1030

Now, if while in the country they apply to stay the only occasion on which any question of support would arise is if they already have relatives in the country who are acting as their sponsors, if they are very close relatives, or nominators.

However, this is in no way different from anyone else. A sponsor who wants to bring in a wife or a child or other close dependent is required to accept financial responsibility for them as a condition of having the application accepted. A nominator, similarly, must undertake to provide financial or other support for up to five years. Now it may well be that amongst the Americans who are coming in as visitors and applying to stay are some who already have relatives here who are acting on their behalf and are being asked to provide these types of guarantees. But if an immigrant comes all by himself in his right as an independent person he is not asked for any guarantees of any kind.

Mr. Roy (Timmins): When we read in the newspapers of these particular young people who are around the Yorkville district, say, who are received by other young people who apparently have no means of supporting the first group of young people, I mentioned, or finding employment for them or anything, are these bona fide cases of immigration to Canada, or are they more or less circumscribing the law to a certain extent?

Mr. Morrison: It would be very difficult to say. A person could quite well come across the border today planning to stay for two or three weeks. He might be allowed in and run out of money very quickly. It is awfully difficult to know when anyone appears at the border. He may show you some money, but you do not know how fast he is going to spend it or what he is going to do with it. Once he is in the country, unless he commits some offence or overstays the period of time that he was granted entry for, it is very difficult for us to do very much about it.

Mr. Roy (Timmins): Once he applies for permanent residency what is the requirement with regard to his own support?

Mr. Morrison: Then he has to be examined on the basis of all the requirements or criteria that are set out in the Immigration Regulations, in exactly the same way as if he had applied to come as an immigrant before he ever left the United States. If he is an independent immigrant there are nine criteria on which he is examined, including his educational and training background, the demand in Canada for his particular occupation, his degree of skill, his capacity or otherwise in English or French, his personal suitability and so on. They are exactly the same standards that he would have had to meet if

he had applied in the United States before he came here. He is either accepted or rejected as to whether he does or does not measure up to the standards laid down in the law.

Mr. Curry: With regard to the chap who drifts into Yorkville as a visitor and apparently lives on the support of his fellow residents of Yorkville, and with no other means of support evident when he applied, if he applied, to become a landed immigrant, the principal question of course in the mind of the examining officer is: Is this chap going to be a self-sustaining person in Canada? If he could not find that answer as a "Yes", he would reject him.

Mr. Roy (Timmins): Thank you.

Mr. Thompson (Red Deer): Could I ask a supplementary? Are we to understand that Americans who come here as students or as visitors are able to gain immigrant status by applying while they are here?

Mr. Curry: Anybody can who is legally in Canada.

Mr. Thompson (Red Deer): Why is it that students from other countries who come here as students are unable to make application for landed immigrant status?

Mr. Morrison: They are able, sir, there is one basic qualification written into the regulations. The student who comes from another country under a form of contract, with either the Canadian government or his own government paying for his training in Canada, has undertaken through this contract to return to his own country at the end of it, and he is debarred from applying to stay as an immigrant while he is in the country because of the contract he entered into as a condition of coming here.

Mr. Thompson (Red Deer): But apart from that?

Mr. Morrison: Apart from that any student from any country is entitled to apply to remain as an immigrant and if he qualifies he is accepted.

Mr. Thompson (Red Deer): This applies to visitors as well?

Mr. Curry: Yes. anyone who is legally in the country.

Mr. Morrison: If he sneaked in...

Mr. Thompson (Red Deer): No, no. I am speaking of...

Mr. Curry: If he came legally he can apply.

Mr. Thompson (Red Deer): But there may not be any record of his crossing the border.

The Chairman: We are now going into hypothetical situations. Next on my list is Mr. Knowles.

• 1035

Mr. Knowles (Norfolk-Halifax): My first question, Mr. Chairman, reverts to the European immigrants from Iron Curtain countries, Czechoslovakia and so on. Are our teams able to enter those countries, for example, Czechoslovakia and Hungary, perhaps not to solicit but simply to be available for people desiring to come here?

Mr. Curry: Let us just review the situation a little. We now deal with Yugoslavia, in the last year or more, just as we do with most other countries in the West, that is we have an office now in Belgrade. So that is one exception behind the Iron Curtain, so to speak. It has not been possible to establish an office yet in Warsaw as we had hoped to do a year or so ago. In other countries we receive varying degrees of welcome to travelling teams who operate from Geneva in the main, or from Vienna.

Mr. Knowles (Norfolk-Halifax): They may go in from time to time?

Mr. Curry: They may go in from time to time depending on the attitude of the country in question, to deal with sponsored people but not independent applicants.

Mr. Knowles (Norfolk-Halifax): Now, an independent applicant, I am not just sure whether I understand that term?

Mr. Curry: An independent applicant is one who comes solely on his own merits and is not being helped or guaranteed in any way by somebody already in Canada.

Mr. Knowles (Norfolk-Halifax): This somebody does not necessarily have to be a relative?

Mr. Curry: If it is sponsored the person who is being brought out must be not only a close relative but one who is normally dependent on the person in Canada, the immediate family such as the wife or children and so on. For further degrees of relationship a person can nominate a reasonably close relative.

Mr. Knowles (Norfolk-Halifax): The other question, Mr. Chairman, related to student labour coming into Canada during the summer months to assist us in our harvest. They are brought in by various agencies here in Canada, and their number is fixed by quota and by negotiation with the agricultural bodies in our area. I understand your officials recommend to you the number of people to be allowed. I was wondering if it would be possible to give consideration not only to the numbers involved compared to the number of unemployed in Canada but to the personality of the people, for instance their ability to satisfy their employers in this country. I do not know how you judge this quota. I think you are going through that process now.

Mr. Curry: Mr. Chairman, is the member speaking of students?

Mr. Knowles (Norfolk-Halifax): Yes.

Mr. Curry: Well this matter has been of very great concern in the Department even within the last few days...

Mr. Knowles (Norfolk-Halifax): That is right.

Mr. Curry: ... due to anticipating 1969, and I can assure the member that other factors than mere numbers are very much in our minds. For instance the well-known fact that quite a number of the employers, particularly in Southern Ontario in tobacco, are themselves fairly recent migrants of Belgian extraction. They express a considerable desire, if possible, all other things being equal for Belgian student labour, if there are any foreign students to come at all, to work in their tobacco fields. That is very well known to us.

Mr. Knowles (Norfolk-Halifax): This

Mr. Curry: And those factors are considered.

Mr. Knowles (Norfolk-Halifax): I would like also just before I leave this point to emphasize the stability to the labour market that these people lend. When they engage to work for an individual they will stay with him, they are dependable; whereas we have so much trouble with a turnover from a week to week basis. I hope you will take that into consideration.

Mr. Curry: That is very much in consideration, sir.

Mr. Knowles (Norfolk-Haldimand): Thank you.

The Chairman: When you speak of these people do you refer to students?

Mr. Knowles (Norfolk-Haldimand): Students, yes.

The Chairman: Thank you. Mr. Dumont?

[Interpretation]

Mr. Dumont: I would like first of all to put forward a few comments on the vote of 23 millions. I wonder whether the best immigration program for Canada would not be to devote part of this sum to increasing our own declining birth-rate? I don't mean to spend all of the amount this way but I still feel that our best immigration policy is to increase the numbers of native born Canadians.

Mr. Thompson, has a very fine family. I myself have seven children.

Should not the best immigration policy be promotion of the rate birth at home, rather than foreign immigration?

Now my questions. When the immigrants are accepted...

[English]

The Chairman: Just a moment, Mr. Dumont, which figures are you referring to in your first question?

[Interpretation]

Mr. Dumont: There were general remarks. Out of a total figure of 23 million dollars could not 5 millions be put aside to promote the birth rate in Canada? 5 millions out of 23 millions?

Second question. Do we offer to all these immigrants who come to Canada the chance to learn either French or English?

I can give a very concrete example. In St. Leonard near Montreal, did the Italians have the opportunity to learn French as well as English?

Another question. What was the total number of immigrants we accepted for the year which has just ended or which will end shortly, and how many Canadian citizens went abroad? How many citizens have we lost at the same time as we have accepted immigrants. How many immigrants have left, how many Canadian citizens as well? A comparative figure of the arrivals and the departures?

[English]

The Chairman: I do not know whether your first question is a fair one to ask the officials

of the Department to answer. You should perhaps ask Mr. Munro that question in the House.

Mr. Curry: I am afraid that I cannot give any definitive answer to the first question, but I would dislike very much taking from Mr. MacEachen, the Minister, the pleasure of responding to that question, because he is not only now the Minister of Manpower and Immigration but he was so very recently the Minister of National Health and Welfare.

The Chairman: On the second question may I say that the best time to have raised that question would have been when the thousands came to Ottawa a month ago from Montreal to protest against the decision of the Board of Education in Montreal which introduced compulsory French teaching. These were in the vast majority families of Italian background. I think, Mr. Dumont, that demonstration alone indicated the desire of immigrants of that background as far as the Montreal area is concerned. But as far as the option for both languages upon arrival is concerned perhaps Mr. Curry could indicate what—

Mr. Curry: In the first place I would like to call to the attention of the member that when immigrants come to our offices abroad a great deal of attention is given to the question of whether or not they already have a knowledge of one of our major languages, either French or English. It is not only a matter of importance in reviewing the competence of the individual but it actually earns credits for him in his assessment, if he has one or other of the languages, or he has both of the languages as sometimes occurs. This matter is stressed.

Having arrived the immigrant who has not enough French or English, as the case may be, to go into satisfactory employment, falls into the area of interest of the Manpower side of our department who supply the courses to him in order to prepare himself to take work. If there is a gap between his capability and the possibility of putting him to work that can be covered by language training that gap is remedied so far as it can be. I think that perhaps is all we can say about it, Mr. Chairman, at this moment.

The Chairman: Any politician who wants to run on a compulsory French language platform in an Italian district in the next election may try and see what the result is.

The third question was related to the number of immigrants, Mr. Dumont. You wanted to know the number of immigrants?

Mr. Curry: Yes, for last year, on which we have total numbers, it was approximately 223,000 for the full calendar year of 1967. We have no figures, but if Mr. Dumont wants the question seriously pursued of Canadians leaving Canada as immigrants abroad we could do our best to get him some approximation of that. However, we in Immigration do not keep count of the people who leave Canada. It is not one of our obligations.

• 1045

The Chairman: Mr. Dumont have you any other questions?

[Interpretation]

Mr. Dumont: I would like to know the number of those who leave Canada, if possible. There must certainly be figures somewhere, and I would like to get this information. Thank you.

[English]

Mr. Broadbent: Mr. Chairman I obtained the draft report of the Committee last year and in reading through it I came across some sections in which the Committee seemed to be making some very sensible recommendations. I would just like to get some response to some of their suggestions. I might add, the other members here probably already know it anyway, that I understand the report which came out of the Committee last session was a unanimous report or virtually close to it. I shall also just read very briefly, because it is put very succinctly in each case. For each point that I raise I will just read the recommendation of the committee.

The first matter was on the question of the definition of moral turpitude and subversive organizations in the consideration of grounds for rejecting immigrants. What the Committee had to say was that the provisions excluding people on the ground of crime involving moral turpitude should be revised. The expression moral turpitude is too vague. The definitions of members of subversive organizations were also much too broad. The White Paper distinguishes between dangers to national security, which are real security risks on the one hand, and those who hold or have expressed some popular opinions which are not in themselves indicative of subversive activity. The act should be amended, so the argument goes, as the White Paper suggests,

and many of the briefs received urge, so as to spell out clearly those who can be reasonably regarded as dangerous to the state and those who merely hold opinions which are unpopular. I will stop there. It seems to me two points are made here. Offhand they are quite convincing to me. I wonder if the officials of the Department would like to respond to this?

Mr. Curry: First of all, I would like to ask the member, through you Mr. Chairman, what report he is quoting because if we are talking about the Joint Committee of the Senate and House of Commons no report to my knowledge has ever been tabled.

Mr. Broadbent: That is true.

Mr. Curry: Is this a draft report?

Mr. Broadbent: This is a draft confidential report by the Joint Committee. It was never presented.

Mr. Curry: Perhaps herefore, Mr. Chairman, the status of the document from which the member is working could be recorded. I am not questioning . . .

Mr. Broadbent: Its wisdom.

Mr. Curry: . . . its wisdom or its veracity but it has not the status of an accepted report.

Might I deal with at least one of the two points and perhaps one of my colleagues, who is more moral than I, will deal with moral turpitude. On the point with regard to further spelling out of the meaning of the term "subversive" or what is meant by "subversion," I think I am quite correct in saying that no further action or no particular action has been taken within the Department pending the receipt of the report of the Royal Commission on Security which as you know has only within the last little while been delivered to the government.

Mr. Broadbent: No, I did not know. You mean there is a Commission now looking into security?

Mr. Curry: There is a Royal Commission on Security, which has been in action for quite a long time, over many months. That Commission has just reported to the government, or delivered a report to the government. Consequently this sort of thing was in the purview of that Commission and the Department has been waiting anxiously whatever words of wisdom might come from that source. I would ask either Mr. Beasley or Mr. Morrison if

they wanted to comment on the question you asked with regard to spelling our moral turpitude.

Mr. Broadbent: More precisely what is involved in moral turpitude.

Mr. Curry: Mr. Beasley have we done anything?

Mr. E. P. Beasley (Director of Planning Branch, Program Development Service, Department of Manpower and Immigration): Mr. Chairman, I think it can be said that the departmental officials are generally in agreement with the views expressed in the document from which you have read. The present Immigration Act does provide that persons are prohibited from admission to Canada if they have been convicted of crimes involving moral turpitude. The term "moral turpitude" is most difficult to interpret and even more difficult to apply because there is no, or very little if any, Canadian jurisprudence on the subject.

Mr. Broadbent: Why do we have it in there, then?

Mr. Beasley: I really cannot say why it is in the present Act. I can only say that it is our intention to seek a more precise and a better definition when the new Immigration Act is presented to Parliament. In the meantime, because it is a matter of the Immigration Act, and can only be changed by an Act of Parliament, we must live with it until such time as it is possible to introduce a new act before Parliament.

• 1050

Mr. Broadbent: If I understand you correctly the government is in fact considering changing this and making it more precise.

Mr. Beasley: I cannot speak for the government but I would say that I think departmental officials, certainly speaking personally, are generally in agreement with the views expressed in that document.

Mr. Broadbent: Another point which is on page 3 of this more or less unofficial report, makes a very good point, it seems to me. It says that in the regulations, that is the existing regulations, dealing with sponsorship and nomination there are provisions whereby a son or daughter may be either sponsored or nominated as the case may be. The definition of son or daughter in the Regulations includes

the illegitimate offspring of a woman admitted to Canada.

The Chairman: I have no objection to your pursuit of this question, but may I perhaps remind you that this matter is not really before us as part of the Revised Estimates because of the status of this report as outlined by Mr. Curry.

Mr. Broadbent: Well let us forget that I am reading from a report and pretend these are nice little ideas I dreamed up. What is the difference?

The Chairman: You are still in a stage far removed from the reality before us at the present. If you want to pursue that point to its end by all means do it, then I would appreciate it if you follow your questioning on existing policies or matters related thereto.

Mr. Broadbent: Mr. Chairman, on a point of information, I thought we were discussing the general policy of the Department?

The Chairman: Existing policy.

Mr. Broadbent: That is exactly what I am doing.

The Chairman: By all means go ahead.

Mr. Broadbent: Let me just finish the point I am raising here. According to existing Regulations a woman with a legally illegitimate child can declare that he is her child and bring the child in as an immigrant. However, as I understand it, as things now stand a man cannot do the same thing. A man who has an illegitimate child cannot declare himself to be the father of the child and accept responsibility and bring the child in as an immigrant. It seems to me that a change in the Regulations on this matter would be highly desirable so as to put the man in the same position as the woman. Paternity should be equal to maternity, should we say.

Mr. Roy (Timmins): There would be some difficulty in establishing paternity.

Mr. Broadbent: Well if the man acknowledges it, that is his problem.

Mr. Curry: As Mr. Broadbent may realize we would have on occasion a very considerable number of fathers who would not only acknowledge but claim paternity, you know, and even wave it, in order to get a person of questionable relationship into the country. This is particularly a danger in countries

where identity and relationship are very hard to determine anyway as in some Asiatic countries particularly. That is not a terribly satisfactory answer, I know. I would like to look a bit further.

Have we any comment, Mr. Beasley or Mr. Morrison, on why we distinguish between the two?

• 1055

Mr. Morrison: Mr. Chairman, I can say that within the Department this very question was discussed and debated at very considerable length when the Regulations were amended about a year ago. We came to our conclusion at the time, rightly or wrongly, because in our judgment, the difficulties were in really being sure in the case of the illegitimate child on the male side and the practical administrative problems. Really the problem is: what do we do when someone claims? Who is going to look after the child?

Mr. Broadbent: Would he not be legally responsible?

Mr. Morrison: This is not necessarily so. This is one of the problems. We did not come to any conclusion that forever and a day this ought to be the policy, but at that time, for that particular purpose, we decided not to make any change. When the Act comes up for revision in Parliament this, along with many other things, is going to have to be reconsidered. I do not think today any of us could really say whether it ought to be changed or not. It is a very difficult question.

Mr. Broadbent: Some of us might "say," but there might be some disagreement.

Mr. Curry: You have pointed to a fact.

Mr. Broadbent: Right. There is another suggestion one might make, in view of the new Act. I understand the previous Committee found their hearings throughout the country especially of course in areas where large numbers of immigrants had actually settled, to be extremely useful in terms of assessing the efficacy of the previous Regulations. I wonder if it would be a very sensible thing for us, as a Committee, to test the new Regulations which have been in force for a brief period of time by in fact doing the same thing? We could go back to the same areas and hear submissions perhaps by the same groups, to find out how they responded in their day-to-day experiences as immigrants?

The Chairman: I should like to think it over and take it up, perhaps, with the Steering Committee, Mr. Broadbent. Considering the hour, Mr. Broadbent, would you perhaps allow me to call Items 15, 20 and 25 and perhaps leave the Immigration Appeal Board for another meeting, so members will have time to prepare themselves to ask questions of the officials or representatives of the Immigration Appeal Board at a subsequent meeting? In which case I should like to call the Item before us together with Items 20 and 25 and leave the Immigration Appeal Board for another meeting.

Mr. Thompson (Red Deer): By calling, you mean just to call them so we have them on record?

The Chairman: No, I would call for a vote whether Item 15 shall carry, and I will call Item 20 and Item 25.

Mr. Broadbent: Mr. Chairman, just as a matter of information, being a new member of this Committee, what exactly would we be committing ourselves to here? If we vote for this item does it mean we cannot discuss in Committee the policy questions again?

The Chairman: It would be completing the estimates for the Department of Manpower and Immigration, that is correct. However, Item 1 is standing, the Clerk informs me, and therefore it leaves the door open for policy questions until the entire estimates have been completed.

The Clerk also informs me that it is the usual practice for the Minister to come back when we revert to Item 1.

Mr. Thompson (Red Deer): As long as that is clearly understood. There are several members who are not here today who were unavoidably absent, and as long as we can come back to a discussion of not only policy but...

[Interpretation]

Mr. Dumont: There is no interpretation. The interpreter does not hear, so he can not translate.

The Chairman: Just a moment Mr. Dumont.

[English]

We will have Item 1 standing before us in any event. We will have the Immigration Appeal Board before us, so policy questions can be asked by those members who were not in attendance today and the necessary ar-

rangements will be made. We are going to [Interpretation]
vote on Item 15.

Item agreed to.

The Chairman: I now call Items 20 and 25.

PROGRAM DEVELOPMENT

20. Administration, Operation and Maintenance, \$5,522,600

Item agreed to.

PROGRAM DEVELOPMENT

25. Grants, Contributions and Subsidies as detailed in the Estimates \$775,000

Item agreed to.

[English]

For those wishing to ask questions related to immigration, perhaps, we will ask your indulgence, gentlemen, to come again in case Mr. Alexander and others wish to pursue some questions.

Mr. Curry: Is that tentatively next Tuesday?

The Chairman: Yes, our next meeting is Tuesday morning. Thank you for your attendance and patience.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,
The Clerk of the House.

HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

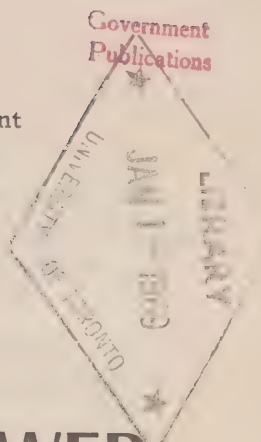
TUESDAY, NOVEMBER 26, 1968

Revised Main Estimates (1968-69) relating to
the Immigration Appeal Board.

WITNESSES:

From the Immigration Appeal Board: Miss J. V. Scott, Chairman;
Mr. D. M. Sloan, Registrar.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968



STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance

and Messrs.

Alexander,
Brewin,
Broadbent,
Dumont,
Knowles (*Norfolk-
Haldimand*),
Loiselle,

McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,
Otto,
Paproski,
Roy (*Timmins*),

¹ Mr. Serré,
Skoreyko,
Thompson (*Red Deer*),
Turner (*London East*),
Weatherhead,
Whiting—20.

Michael A. Measures,
Clerk of the Committee.

¹ Replaced Mr. Breau on November 25, 1968.

ORDER OF REFERENCE

MONDAY, November 25, 1968.

Ordered,—That the name of Mr. Serré be substituted for that of Mr. Breau on the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

MINUTES OF PROCEEDINGS

TUESDAY, November 26, 1968.
(7)

The Standing Committee on Labour, Manpower and Immigration met this day at 11:17 a.m., the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Alexander, Broadbent, Caccia, Knowles (*Norfolk-Haldimand*), Loiselle, McNulty, Murphy, Otto, Paproski, Roy (*Timmins*), Thompson (*Red Deer*), Turner (*London East*), Weatherhead, Whiting (14).

In attendance: From the Immigration Appeal Board: Miss J. V. Scott, Chairman; Mr. D. M. Sloan, Registrar; Mr. K. E. Powell, Assistant Chief of Administration.

The Chairman called the following item of the 1968-69 Revised Estimates:

IMMIGRATION APPEAL BOARD

Item 30 Administration, Operation and Maintenance ..\$ 588,000

The Chairman introduced Miss Scott who gave an opening statement and was questioned, assisted by Mr. Sloan.

Item 30 was carried.

The Chairman having thanked Miss Scott, at 12:55 p.m. the Committee adjourned to the call of the Chair.

Michael A. Measures,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 26, 1968

The Chairman: Ladies and gentlemen, I call the meeting to order.

We have with us today from the Immigration Appeal Board its Chairman, Miss J. V. Scott; Mr. K. E. Powell, the Assistant Chief of Administration; and Mr. L. E. Davies, whom we know already from a previous meeting, Chief, Financial Services, Department of Manpower and Immigration.

Miss Scott, would you like to make a statement on the function and work of the Board.

Miss J. V. Scott (Chairman, Immigration Appeal Board): Mr. Chairman, as you no doubt know, the Immigration Appeal Board was set up by statute which was proclaimed in force on November 13, 1967. We have been in operation just over a year. In that period we have received 1,025 appeals—that is, up to the end of October. It must be remembered when I give you these figures that we did not really start hearing appeals until early January of this year because of the filing of the papers and the coming in of the appeals from the Special Inquiry Officers in the field.

The Board, as you know, is an entirely independent body. The members are appointed by Order in Council for life, during good behaviour, like judges, and we have no connection whatever with the Department of Manpower and Immigration.

• 1120

Of the just over 1,000 appeals that have been received we have heard 974—again, up to the end of October. So, as you can see, the workload of the Board is heavy. One thing that we have kept firmly in our minds is speed because we cannot have people who have been ordered deported—almost all of these are deportation appeals—dangling for months on end. The average length of time between the time the notice of appeal is received and the hearing is about five weeks, and we feel this is the best we can do as far as speed goes.

We have various figures here which I can give you if required, but it may be of interest at the moment to give you the figures on how many people have succeeded and how many have failed. Up to the end of October we dismissed 417 appeals—in effect, deported—and gave the people no special relief, we stayed the execution of the deportation order in 317, we quashed the deportation order in 22, we quashed the deportation order and landed the appellant in 18, and we allowed 26 appeals.

Mr. Whiting: Could you read those figures again please?

Miss Scott: If you prefer, I will let you look at these figures later.

Now just to clarify what we mean by all these phrases, the Act in deportation appeals provides for an appeal on law or mixed facts and law. In all these appeals we consider the legality of the deportation order, whether this asked for or not. The order is looked at to find out whether it is in fact in accordance with the law in the Immigration Act. If it is, we dismiss the appeal.

A power is given to us by section 15 of the Act which enables us to give special relief to appellants. If these people are permanent residents of Canada at the time of the making of the deportation order the Board can consider all the circumstances of the case in deciding whether or not to grant special relief. If the person is not a permanent resident of Canada—that is to say, normally if they came in illegally, or came in legally as tourists and overstayed their time or were not admissible as applicants to Canada—the Board in considering whether to give special relief, looks at

(i) the existence of reasonable grounds for believing...

I am reading from the Act now.

...that if execution of the order is carried out the person concerned will be punished for activities of a political character or will suffer unusual hardship, or

(ii) the existence of compassionate or humanitarian considerations that in the opinion of the Board warrant the granting of special relief...

And of course these are extremely wide discretionary powers.

If we dismiss the appeal on law and decide there are no grounds for special relief we order that the deportation order be executed as soon as practical. If we find there are grounds for special relief we may stay the execution of the order for various periods of time. This is done for various reasons. Sometimes it is a landed immigrant—a permanent resident and we feel that they should be given another chance and we may stay the execution of the deportation order for, say, a year to see how they get on. If they are not permanent residents we may stay for various reasons—to get further information, to have them assessed under the point system, and so on. There is infinite variety in these orders of the Board. If we quash the deportation order, having dismissed the appeal on law, it means there is no deportation order anymore. This is done under section 15 on appropriate grounds. In a very few cases we quash the deportation order and direct a landing of the person. If we find that the deportation order is illegal, we allow the appeal.

• 1125

This is an area of the Act which can cause some difficulty because in some cases it leaves the person without any status at all in the country. It is a deportation order which is illegal and therefore the appeal must be allowed but they have no status, whereas if you find you can dismiss the appeal on law and there are grounds the Board can give them status, for appropriate reasons of course. We have in some cases been able to help the appellant in this regard by making the order that the Special Inquiry Officer should have made in the first place. In other words, we would substitute another deportation order. We can do this under the statute and then provide special relief, but we cannot do this in every case because of the exigencies of the Immigration Act. It is, in effect, a gap in the law where an appeal is allowed but the Board is helpless in some cases to assist the appellant for humanitarian reasons.

Now we have had almost no sponsorship appeals, although we have the power to deal with them. So far we have only had three. I

think the reason for this is that by Order in Council the people who can appeal to the Board from a refusal of the sponsored application are restricted to Canadian citizens and the appeals are restricted to sponsorship applications. If this is widened out to nominated applications and to permanent residents of Canada rather than citizens, I think we will find that we will have many, many appeals in this area. So far we have only had three, and we granted all three of them.

In addition to the actual hearing of the appeals the Board has other hearings on the reviewed cases. Where an order has been stayed for a period of time, it is then reviewed when that period of time expires or on motion earlier, and the final decision may be made at that time either to deport or to quash the deportation order.

There are also motions to rehear appeals. We are not getting a great many of these. These motions have to be decided on by three members, which is the quorum. There are nine members altogether, which is too few to handle the workload. We just manage now, especially since our new pilot project in Montreal opened. It has been running just over six weeks. One member, one of the vice-chairmen, lives down there permanently. The other two members, to fill up the quorum, travel. Cases are actually heard in Montreal where we have an office and a courtroom. This is simply a pilot project and an experiment to see how this will work. That is all I would like to say at the moment.

The Chairman: For the benefit of Mr. Whiting and a few others could we have the breakdown once again as you read it before?

Miss Scott: Out of 974 cases heard to the end of October, 1968 we have had three sponsorship appeals of which three were successful.

All three were successful. On the deportation appeals we have made an order directing that the deportation order be executed as soon practicable in 417 appeals. We have stayed the execution of the deportation order in 317 appeals. We have quashed the execution of the deportation order in 22 appeals. We have quashed the execution of the deportation order and directed the grant of landing in 18. There are 46 pending—that is out of the 1025—46 still to be heard, and we have allowed 26 appeals. On law, we have allowed 26 appeals.

• 1130

Mr. Whiting: Mr. Chairman, I would like to have an explanation of the 18 quashed deportation orders, and then I did not understand the following phrase you used.

Miss Scott: We directed the grant landing to the person in question.

Mr. Whiting: Does that give them a status of a landed immigrant?

Miss Scott: That gives them the status of a landed immigrant.

The Chairman: Do you have questions on the figure?

Mr. Murphy: Yes, just to understand the categories. You had 26 appeals allowed?

Miss Scott: Yes.

Mr. Murphy: Are these the ones that you said were left without status?

Miss Scott: No, not necessarily; for example, in the case of a landed immigrant, if the appeal were allowed he would still be a landed immigrant.

Mr. Murphy: Yes.

Miss Scott: I can not give you a breakdown of how many of those 26 were left without status.

Mr. Murphy: What is the difference between allowing an appeal and quashing the order? You had 22 where the deportation order was quashed; 26 where the appeals were allowed. What is the difference between those two categories?

Miss Scott: It is really a legal or technical difference in most cases, leaving aside the question of status. In the case of a quashed order the appeal has been dismissed in law. In other words, the deportation order is legal in accordance with the law, but there are humanitarian grounds that we have decided to accept. The end result is usually the same.

The Chairman: We will start now with questions, Miss Scott. The first member I have on my list is Mr. Thompson, followed by Mr. Alexander, Mr. Otto and Mr. Broadbent.

Mr. Thompson (Red Deer): Mr. Chairman, do we understand by the pilot project in Montreal that this is the first time appeal cases have been heard outside Ottawa? Is that the pilot?

Miss Scott: It is not the first time; we did it once on a strictly travel basis. In other words, all the staff we needed and three members travelled to Montreal in December of last year for about two days as an experiment.

Mr. Thompson: In other words, you are not travelling as a circuit court might. You are merely opening a second office where appeals might be heard in this pilot project.

Miss Scott: Yes, we are opening this office as an experiment with staff down there and a permanent vice-chairman residing in the city, but the other members travel.

Mr. Thompson: You mentioned that a staff of nine on the Appeal Board is inadequate. How many would you suggest should be added to that number in order to facilitate the workload?

Miss Scott: We would need right away another two. This means, of course, an amendment to the Act because the limit of nine is written right into the statute. It is an amendment that I respectfully submit should be considered, but if the section is amended I think it should be amended to include no number or a maximum number, or a number to be set by Order in Council, or something of this kind, so that as we expand we can add members without having to amend the Act each time.

Mr. Thompson (Red Deer): Do you require that your entire membership be present at a hearing, or do you split up into halves, shall we say, so that you can hear more than one appeal at these occasions?

Miss Scott: We have never sat the full Board yet, although we can. We sit double panels of three each. Three is a quorum.

Mr. Thompson (Red Deer): So you sit in double or triple.

Miss Scott: We sit in double panels. We might have had triple, but it would be very rare; we do not have enough people, you see. So, if one panel is sitting in Montreal, one sits in Ottawa. If we are all in Ottawa, two sit in Ottawa, full time.

Mr. Thompson (Red Deer): I just have one or two questions that relate to points of personal interest.

• 1135

The other day we had a minor bill sponsored by a private member that actually, I

believe, represented more concern amongst more members than the import of the bill was recognized. It concerned retarded children that are admitted under Minister's permits who, because of the regulations within the Act, are not allowed the same status as other members of a family that is emigrating to Canada. This means that these children of necessity must go back to have these Minister's permits renewed periodically. Have you had any appeal cases in this category?

Miss Scott: I do not know of any personally. One of the panels had one, where there was a 19-year old boy with the rest of the family.

Mr. Thompson (Red Deer): I mean that.

Miss Scott: I think they were all here illegally on a technicality of the law, but they had established themselves and the boy was working and he was looked after by the family. There was no problem, and I believe the Board in that case let him stay.

I certainly have had a couple of appeals by people who are certified as morons against whom, of course, there is an absolute prohibition under the Immigration Act. In one case I can remember we quashed the order as the woman was navigating perfectly well. After receiving further information, of course, we had her examined again, and so on, and she could get along very nicely.

Mr. Thompson (Red Deer): This brings up the whole problem of Minister's permits, other than this category. I realize that you can hardly be expected to be in a position to know how many such immigrants were allowed into the country, but I wonder if you know, or have available any records that would indicate, how many immigrants of this type might have come up to you in the appeal Board?

Mr. Sloan (Registrar, Immigration Appeal Board): I would say this much, for Miss Scott; she would never allow any child to be thrown out on any basis of discretion.

Mr. Thompson (Red Deer): That was the first question I was asking. The second question involves other types of Minister's permits. I have several in mind where, perhaps for lack of complete evidence as being qualified or where there were some question, they were allowed in under Minister's permits.

You mentioned that you had only two or three sponsorship appeals. I was wondering

if you had had any appeals that were of a nature other than the retarded category.

Miss Scott: We have no record of that; we do not keep it. We do keep a record by sections of the Immigration Act, but we have never split up our statistics by ethnic origin, or for any other reasons.

The Chairman: Mr. Sloan, if you wish to be recorded for posterity, it is very important indeed that you make use of a microphone or perhaps come up here where there is a microphone you can reach.

Mr. Alexander: Mr. Chairman, just a point of information, I do not know who is the gentleman is.

The Chairman: Mr. Sloan is the Registrar of the Board. I am sorry.

• 1140

Mr. Sloan: The only thing is, in defence of Miss Scott I would like to say that she is a very fair member of a very fortunate operation.

Mr. Thompson (Red Deer): I would like to say, though, Mr. Sloan, no one is attacking Miss Scott in any way at all. We are merely asking some questions.

The Chairman: We are just trying to get some information.

Mr. Sloan: I do not want any misunderstanding in this regard.

Mr. Thompson (Red Deer): I asked that question only because I know of some questionable cases that have come in under special permit, and I was wondering whether any of these cases had ever come up to the Appeal Board. I am not speaking of ethnic classification; I am just speaking of this special category.

Miss Scott: There are cases that would at one time have come in under permit. The Minister is not granting any permits now as far as I know. In other words, we have the jurisdiction, at least in part, that the Minister once had under Minister's permit.

Mr. Thompson (Red Deer): When did the Minister's permits—

Miss Scott: As soon as the Act went through, on November 13, 1967.

Mr. Thompson (Red Deer): There have been no more Minister's permits since?

Miss Scott: There are no Minister's permits after that section of the Immigration act was repealed.

Mr. Thompson (Red Deer): Excuse my ignorance.

Miss Scott: If you look in our Act it is confusing, because it was repealed by our Act.

The Chairman: Except, however, for cases of people who landed before that date. Is that correct? This distinction is important.

Miss Scott: Yes, I have no statistics for that.

Mr. Thompson: That is what I am asking about.

Miss Scott: We have no statistics on that at all.

Mr. Loiselle: Mr. Chairman, may I just intervene? Miss Scott, is it not possible in the case of a family eligible to stay in Canada that has a case of a retarded child...

Mr. Thompson: I am not asking in that relation now.

Mr. Loiselle: I think you mentioned there could be no possibility of Minister's permit. I just want to clear this up. Is my mind not clear? I thought that you were making us believe that the Minister is not giving any more permits.

Miss Scott: The section of the Immigration act dealing with Minister's permits has been repealed.

Mr. Loiselle: I am under the impression that when the family is eligible to stay in Canada they do not have to go to the Appeal Board and if they have one child—

Miss Scott: That may be so; it may be done, but we have no knowledge.

Mr. Thompson: I had moved away from that topic because I realized under these circumstances permits were being granted and my second question concerned cases other than retarded children as members of families, who may have received—and I should have said prior to the repeal of that section of the Act.

I have only one more minor question and again I am not sure, Miss Scott, whether you should be expected to have this information. It concerns ship jumpers. Occasionally we

hear statistics that there are thousands of such individuals illegally in Canada, I think most of them unknown perhaps to the law. But my question was, do the bulk of your appeals, particularly those that have been deported, involve this type of case, ship-jumper cases?

• 1145

Miss Scott: No, there are a number of appeals on 19(e)(x), which is the ship-jumpers section of the Immigration Act, but I would not venture to say it was the bulk.

Mr. Thompson (Red Deer): Are there cases that you have quashed that are of this category?

Miss Scott: Yes. If there are grounds, it does not matter. In other words, if there are grounds for special relief it does not particularly matter according to what Section they have been deported under.

Mr. Thompson (Red Deer): Is it compassionate or...

Miss Scott: That is right.

Mr. Thompson (Red Deer): Do mercy grounds enter into this, particularly if some of these people may be from behind the Iron Curtain, or something like this?

Miss Scott: It depends on the evidence. Each case is decided on its merit.

Mr. Thompson (Red Deer): I was just wondering the numbers that might be involved.

Miss Scott: I do not have that information.

Mr. Thompson (Red Deer): I have no other questions, Mr. Chairman. Thank you.

The Chairman: Mr. Alexander.

Mr. Alexander: Miss Scott, thank you very much for your preamble, which I am sure we all appreciated. It certainly cleared up many areas for us. I have two or three questions. What about the person who is convicted of a criminal offence, who is here and perhaps has not as yet taken out Canadian Citizenship? This has at times been a source of aggravation in terms of penalty. Penalty hangs over one's head. Is your Department advised each and every time a person is convicted of a criminal offence?

Miss Scott: They are almost invariably deported—ordered deported. If they appeal then we have the appeal. The appeal comes before us.

Mr. Alexander: Are you stating that, regardless of the extent of the criminal offence, they are invariably deported right off the bat? Is this what you are stating?

Miss Scott: As I understand it, under the workings of the Immigration Act, if they have been convicted of a crime under the Criminal Code, they are liable to deportation. Before the special inquiry is started, a report is made to the Immigration Division of the Department of Manpower and Immigration. Under Section 26 of the Immigration Act, the Director directs an inquiry. At that stage, if the Director feels that the crime, the conviction, does not warrant an inquiry, that is the end of it. But if he directs an inquiry, the Special Inquiry Officer holds the inquiry. If he finds that there was a conviction, he must deport. And a person could then appeal.

Mr. Alexander: Am I to understand that, notwithstanding the gravity of the offence, there is an immediate deportation order registered?

Miss Scott: No, not if the Director decides not to proceed. There is a step between the report on the conviction, which is made by a functionary of the Immigration Department. He makes that to the Director, and the Director decides whether to direct an inquiry or not. Of course I have no information as to how many of these never get to inquiries.

Mr. Alexander: You say the Director makes the inquiry. Is this the prerogative of one man?

Miss Scott: I have no idea, I do not know how it works. If you read the Immigration Act, you will find the provisions. It is always a combination of Section 19 and Section 26 which activates the inquiry. If you read the Immigration Act you will find the provisions there. I have no knowledge at all as to what happens between the report to the Director and the Director's decision.

The Chairman: It is an administrative decision.

• 1150

Miss Scott: It is an administrative decision within the Department.

Mr. Alexander: Miss Scott, once a deportation order is made, and I am looking at it in the initial instance whereby a person is interviewed by a special council or a special officer, who interviews the person whether it

be in Hamilton or Toronto as the case may be, and subsequent to that when he files this order, does your Department look into it, just to ascertain whether in fact there was grounds for the sole deportation order made by one person? In other words, when they investigate a person and the officer comes to the conclusion this person should be right then and there deported, this then goes to your Department?

Miss Scott: Well, of course, we are not a Department. We are a Court.

Mr. Alexander: Excuse me, Court.

Miss Scott: What we get is a Notice of Appeal which is filed by the appellant.

Mr. Alexander: If he does not file that Notice of Appeal though?

Miss Scott: If he does not file the Notice of Appeal, usually the Special Inquiry Officer files a Notice of Appeal. This is always done in a case of a person who is ill, mentally or otherwise. But if the person says definitely that he is not going to appeal, that is the end of it. But he files the Notice of Appeal...

An hon. Member: Is he asked to?

Miss Scott: He is always asked whether he wants to.

Mr. Alexander: He is always asked, yes.

Miss Scott: He is given a form which we provide. There is a form, a printed form for the Notice of Appeal, and the Special Inquiry Officer will assist him to fill it out, give him all the information he needs, and that is sent to the Board. It is served on the Special Inquiry Officer who sends it to the Board with the transcript of the minutes of inquiry, which is the hearing before the Special Inquiry Officer, and, of course, the order of deportation. That is the record that comes to us, and we set the date of the hearing, send out the Notice of Hearing, and hold the hearing.

Mr. Alexander: At the time of the special inquiry, are there always provisions made because of language difficulties? Is there an interpreter there?

Miss Scott: Always.

Mr. Alexander: In every instance?

Miss Scott: Yes. Also before the Board.

Mr. Sloan: Miss Scott is not a member of the Department. She is a member of the Board, and you are asking her unfair questions, really.

Miss Scott: I think they are fair enough.

Mr. Alexander: Mr. Sloan, I do not understand why you continually interject. If Miss Scott had thought that I was asking her unfair questions, she would have told me that. It is not my intention. I would like to pass this on to Miss Scott, that I am not trying to embarrass her, nor am I trying to ask her unfair questions. I am asking her questions and seeking information.

Miss Scott: They are fair questions, although I cannot assist you with the functions of the Immigration Department. I hope you realize that.

Mr. Alexander: That is fine, Miss Scott. But I do not want you to think that I am...

The Chairman: Mr. Alexander, I am sure that we appreciate your point.

Mr. Sloan: What I am trying to say, really, is that she is not a member of the Department.

Mr. Alexander: Well, I can appreciate that, Mr. Chairman, and I would like to have a little order. I do not know what Mr. Sloan is attempting to do. I am not trying to embarrass Miss Scott, I am just trying to...

The Chairman: We understand perfectly.

Mr. Alexander: Miss Scott, I am under the impression that, if you are ever asked to come before the Inquiry Officer pending the possibility of a deportation order, it is better to leave the country than to be deported, in the event that you want to come back in again. Could you elaborate on that?

Miss Scott: Well, of course, if you leave voluntarily you have no deportation order against you.

Mr. Alexander: Right.

Miss Scott: But you lose your right of appeal. In many cases we are finding now—and I may say that when reading the records you can tell this—that the Special Inquiry Officers almost tell the people to appeal. In other words, they are given every encouragement and help with respect to this.

Mr. Alexander: That is true. With your experience—perhaps this would be an unfair question, and if you cannot answer it, that is all right—is it your information that it is extremely difficult if you have been deported to have your case reviewed again, if you are not within the country? In other words, it is tough to get back in again once you have been deported?

Miss Scott: That is correct, although there is provision in the Act for people who have been deported to the United States to come back in. The Board can order that they be permitted to come in, for the hearing of their appeal.

Mr. Alexander: I see.

Miss Scott: They very seldom come. But we have granted these orders in many cases. They apply, but they do not come.

Mr. Alexander: On these appeals that you have heard, are there very many lawyers that attend with the applicants, or with the appellant?

Miss Scott: Yes. They are not restricted to lawyers. It says under the rules they can have anybody as counsel, but we find the number of lawyers is rising. Of course, this is partly accounted for by legal aid in Ontario, and partly accounted for by the fact that, I think, people are realizing that we are a Court, and that there is a great deal of law involved.

Mr. Alexander: So you say that now it is rising, and perhaps this is as a result of legal aid in Ontario.

Miss Scott: It may be partly.

Mr. Alexander: Your pilot project in Montreal, is there a possibility of you elaborating on that at all? Is it being successful?

Miss Scott: It is too soon to tell. It has been functioning for only six weeks. So far it seems to be working fairly well. We have only a skeleton staff there at the moment to look after things, local inquiries, and it is handling only the Province of Quebec at this time.

Mr. Alexander: Thank you very much.

The Chairman: Now we have Mr. Otto, followed by Mr. Broadbent, Mr. Murphy, Mr. Whiting, Mr. Weatherhead and Mr. Knowles. So you see the interest is very high. Mr. Otto.

Mr. Otto: Miss Scott, you are appointed for life subject to good behaviour, and therefore there is no real need of all this defence that has been going on in your behalf today?

Miss Scott: No, I do not think so.

Mr. Sloan: Except sheer courtesy.

Miss Scott: It is always gratifying.

• 1155

Mr. Otto: I wonder if you could elucidate on the duties and the work of this Board? I take it that out of the 1,025 applications to date, only three were by sponsors who had sponsored immigrants whose applications were refused. Is that correct?

Miss Scott: That is right.

Mr. Otto: Then you say the others were in matters of deportation. In how many, or what percentage roughly, was a deportation order issued on grounds of criminal offence?

Miss Scott: I cannot tell you that. I have an impression—and it is only an impression—that it is not many.

Mr. Otto: Well then, failing that, in the ship-jumpers, which you also said were not too many, what is the reason for the deportation order? What sort of an order is it, and who does it apply to?

Miss Scott: It can apply to a landed immigrant. Usually these are criminal offences, but not always. They may be entering the country fraudulently, on a forged passport, for example. Then you have the case of a person who is not a permanent resident, who has either come in illegally, such as a ship-deserter, or has come in as a tourist, overstayed his time, or has come in as a tourist and applied for landed immigrant status, but has been refused because he has not reached the 50 points required by the regulations.

Mr. Otto: What you are saying then, is that a tourist who comes here and then makes an application to remain as a landed immigrant, and is refused, is entitled to the Board?

Miss Scott: He can appeal.

Mr. Otto: He can appeal, whereas a non-sponsored immigrant cannot appeal.

Miss Scott: No. In other words, a single individual as an independent applicant can come in. He has come in as a tourist and he makes application as an independent appli-

cant in Canada, which he can do under the regulations, and either he has taken work without permission, or he has applied too late, or he has not met the points, or all three.

Mr. Otto: So, in other words...

Miss Scott: And he appeals.

Mr. Otto: Now how about—I think this has been explained very satisfactorily, that a visitor or a proposed immigrant who takes the opportunity of getting a visitor's visa and then overstays his visa, can appeal to the Board.

Miss Scott: Yes.

Mr. Otto: Very much on the same ground, we will say with the same status as a sponsor, but the other immigrant that did not come here as a visitor but has made application and been refused—the individual independent applicant—cannot take advantage of this.

Miss Scott: No. Everyone who is ordered deported under any of the provisions of the Immigration Act has an absolute right of appeal.

Mr. Otto: Now with respect to deportation orders, were any of these people who have been resident more than five years but are not citizens?

Miss Scott: I do not remember one. There are very, very few people who come in as landed immigrants now. You are speaking of permanent residents, you do not mean people who have come in illegally and have been here?

Mr. Otto: No, I am speaking of landed immigrants.

Miss Scott: Landed immigrants who have been here over five years are not subject to deportation, except under very few sections—usually the subversive sections of the Immigration Act. I do not recall that we have had one.

Mr. Otto: The amazing thing is that you have had three sponsorship applications and, if that is the case, I have dealt with at least 10 per cent of your cases—most of them sponsored. And I am sure that many other members deal constantly with applications and letters by sponsors.

• 1200

Miss Scott: Yes, I think I know now where the confusion is. A sponsorship appeal is an appeal by the sponsor—in other words, the person sponsored is still outside the country.

Mr. Otto: This is what I am speaking of.

Miss Scott: The Canadian citizen sponsor can appeal.

Mr. Otto: That is right.

Miss Scott: We have people who have been ordered deported who have been sponsored but are here.

Mr. Otto: I am not speaking of cases where they have been ordered deported, I am speaking of sponsors who have sponsored applicants and the applicants have been refused. Are they not entitled to go to the Appeal Board?

Miss Scott: The sponsors, yes.

The Chairman: Who are Canadian citizens.

Mr. Otto: And these are the cases that I am talking about.

Miss Scott: Yes.

Mr. Otto: In my office I have at least 60 a year, most of which are letters and appeals by sponsors whose relatives are not allowed because of the point system. How is it that none of them seem to know that there is an Appeal Board unless I tell them so?

Miss Scott: I think you would perhaps enjoy a bundle of our pamphlets on sponsorship appeals. We have them in about eight languages.

The Chairman: There are two useful brochures which have been published by the Board, one is brown and one is green.

Miss Scott: We have them in French, English, Italian, German and so on.

The Chairman: They are extremely useful. This particular section to which Mr. Otto is referring is even circled in black. It indicates the right of appeal by Canadian citizens who are endeavouring to sponsor someone. Those who wish those brochures may ask for them today.

Mr. Otto: If a sponsor is making an appeal is he entitled to this booklet of the point system showing how many points are awarded for each trade, calling or education?

Miss Scott: He is told how many points he got. This is broken down for him.

Mr. Otto: Mr. Chairman, the point I am getting at is this. If you recall our last meeting—I am amazed that we have passed so many votes because I did not have notice of any meeting beforehand—I was trying to get the department to produce this secret pamphlet indicating how many points are awarded for each qualification.

The Chairman: It is not secret. I think it was made available in the kits that Mr. Loisel distributed at the last meeting of this Committee. It is a public document.

Mr. Thompson (Red Deer): I have never had a pamphlet but I have duplicated many times and had copies of the Minister's press release when the original—

The Chairman: I do not know if this is in Miss Scott's field of jurisdiction.

Mr. Otto: Only to this extent, Mr. Chairman. I am trying to find out if Miss Scott has any idea why she only had three applications from thousands? You have said we have a pamphlet. Are the lawyers of the legal profession informed?

Miss Scott: You must remember that the right of appeal in sponsorship appeals is very limited by Order in Council. It is restricted to very close relatives and Canadian citizens at the moment. Now it can be broadened out because the jurisdiction is in the Act.

Mr. Otto: As I have said, of the cases that I deal with 95 per cent are sponsored applications. I am sure other members are experiencing the same thing. In other words, what we had intended was an Appeal Board to take the load and to do the work that members are expected to do by pressure of some mysterious type. It is obviously not working because surely within a year there should have been more than three such appeals when each member in this last year must have had at least a dozen.

Miss Scott: Just send them to us, Mr. Otto.

Mr. Otto: This is what I do. But how is it that we are not getting the point across that the sponsors may take advantage of an appeal to the Appeal Board. Has the legal profession been informed through publications?

Miss Scott: Well they have access to the statute, which is a public one. Pamphlets are available—the department certainly has them for distribution—and I believe that every member of the House of Commons and of the Senate were advised of the existence of these pamphlets. They now exist in about eight languages.

Mr. Otto: Do you deal with these cases on the basis of precedents, or do you work without precedents?

Miss Scott: All our legal decisions are based on precedents. And of course there are many more than 28 since we deal with the law in every case where it is necessary to do so. We have well over 100 legal decisions and these have been setting the law because there has been very little law before the regular courts in the past.

Mr. Otto: But in cases where you are asked to review the points awarded for instance under the sponsorship application, are you entitled to review the points or hear arguments in connection with the point system?

• 1205

Miss Scott: We often hear arguments on this. We review the points to this extent. If you read the regulations they say “in the opinion of the assessing officer”. The Board cannot substitute its own opinion for that of the assessing officer, but it will review the assessment to see whether the assessing officer was manifestly wrong. If he was, we would then send it back for assessment.

Mr. Otto: In other words, you have no jurisdiction at all to review the assessments?

Miss Scott: We have no jurisdiction to reassess, because of the wording in the regulations.

Mr. Otto: I see.

Miss Scott: In other words, no higher body can substitute its opinion for discretionary opinion.

Mr. Otto: Of course every court has the power to review, whether it is an arbitration or a mandamus.

Miss Scott: It can review.

Mr. Otto: No, it can hear the facts.

Miss Scott: It depends on the wording, you see, and again you have the wording written

right into the regulations and repeated several times—“in the opinion of the assessing officer”.

Mr. Otto: I think you have explained probably one of the reasons, that since the Board does not have the power to review or to substitute its decision for the decision of the assessing officer the reason for appeal would be very limited. Why would you review an appeal?

Miss Scott: Because sometimes the appellant can show that in certain areas of the assessment the assessing officer was wrong. If he can show that the board will send it back for reassessment.

Mr. Otto: Since you have had only three cases there is no sense in asking you what has been the result of the reassessments?

Miss Scott: We have many, many cases of reassessment—hundreds of them.

Mr. Otto: And in the cases of review has the assessor come up with different figures, or is it by and large the same decision?

Miss Scott: I cannot really answer that. They certainly have reassessed cases where we have ordered them to do so, but I cannot offhand tell you what differences there were between the two assessments.

Mr. Thompson (Red Deer): Could I ask a single question for clarification? In the statistics you gave us do you mean that all of the cases except three were deportation cases?

Miss Scott: Yes. The three that I mentioned were sponsorship appeals under section 17 and were appealed by the sponsor. The person sponsored was out of the country.

Mr. Thompson (Red Deer): All the other were deportation?

Miss Scott: All the others are deportation.

The Chairman: Mr. Broadbent?

Mr. Broadbent: Mr. Chairman, I would like to pursue the line of questioning by the last member.

In your opinion, Miss Scott, do you think it would be good to amend the Act to in fact give your Board the discretionary power to overrule the personal assessment made by the immigration officer rather than having it sent back for reassessment?

Miss Scott: Well that of course is not up to me to say. I think that is up to the Legisla-

ture. I may say though that it would be very, very difficult for the Board to assess on the same basis that people are being assessed now, because we do not have the expertise. We are judges, we are not people who are abreast of the various statistical problems—for example, employment in a certain area.

Mr. Broadbent: I am talking about the personal assessment. You say you send back for reassessment. Presumably before you do this you have what you regard to be very good grounds for an immigration officer to make another personal assessment.

Miss Scott: No, I am not restricting my remarks to personal assessment. There are about eight or nine grounds of assessment under the regulations, one of which is personal.

Mr. Broadbent: How many points does personal assessment account for?

Miss Scott: Up to 15 points.

Mr. Broadbent: Now I assume it would only be in marginal cases that you would want to call into question the personal assessment. In other words, you would only want to do that in very exceptional cases—if, in terms of your other judgment on the case you have a borderline situation. Now if you have grounds for questioning that personal assessment on the basis of evidence which was brought before you, and it is only going to make a difference of a few points, would you not think it would be a good idea for the Board to have such power?

• 1210

Miss Scott: Well of course the personal assessment is one of the very few that it is almost impossible to set aside because it is so subjective.

Mr. Broadbent: Yes, I know. And that is all the more reason—

Miss Scott: The appellant would have to convince us that the assessing officer was biased, that he was prejudiced, that he made his personal assessment on an unfair basis. This of course is very difficult to do. I know of no case where anyone has even tried this.

Mr. Broadbent: So there have been no cases where you sent a case back and asked for reassessment under the personal section?

Miss Scott: No, because you cannot say on the face of the record, unless bias is proved,

that this is manifestly wrong. This is what we have to say before we can take any steps at all in respect of reassessment. There is lots of law on this, it is not confined to the Immigration Appeal Board.

Mr. Broadbent: And you would be bound by the legal precedents in this respect?

Miss Scott: We have taken the position that we are bound by legal precedents—of course superior to ourselves, the Supreme Court.

Mr. Broadbent: But if our Immigration Act were changed?

Miss Scott: If the act were changed we would be bound by the statute.

Mr. Broadbent: And then you could ignore all those precedents.

Miss Scott: Yes, that is right.

Mr. Broadbent: I have only one other question. In respect of that broad humanitarian clause under which you can make exceptions, are there any patterns emerging? I take it you are setting your own precedents.

Miss Scott: Not in what we call the section 15 part of our jurisdiction, the special relief area. We are not bound by precedents there because each case is decided on its own merits.

Mr. Broadbent: No, but you are setting your own precedent. That was my point.

Miss Scott: No. We never look or almost never look at another case which might be similar, because each case is decided on its merits. Its merits may include things like credibility. You might have two cases which are apparently almost on all yours but they would go in different directions because of the assessment—I am using the word not in the legal sense now—of the person involved—whether they were telling the truth.

Mr. Broadbent: So you do not know, for example, that three years from now you might find a very inconsistent pattern emerging?

Miss Scott: I do not think we will ever have a pattern. Indeed I think it would be very bad if we did, because if you were following a pattern and not deciding each case on its merits it would turn into a policy

of the Board, which is the last thing a court should ever have in discretionary powers.

Mr. Broadbent: Well I do not know offhand if I could give an appropriate example of what I am thinking about, but under this clause you might decide in a certain situation that on humanitarian grounds there is a sufficient basis for judging in favour of the appellant, but a year from now perhaps that same fact will be brought forward, and in terms of your judgment then it would not be considered to be sufficient grounds. You are justified in following this procedure in the sense that you are judging these cases on their merits, but you may reach very contradictory decisions.

Miss Scott: Yes, but you are dealing with two different people.

Mr. Broadbent: Yes, I suspected that.

The Chairman: And also with a hypothetical situation of two identical cases.

Miss Scott: No two cases are identical because you have two different people.

Mr. Broadbent: I have just given you an example where you may have a crucial fact on which you may hinge your decision in the two cases, but is it not possible to decide in two different ways in the two cases?

Miss Scott: It is possible, yes.

Mr. Broadbent: And therefore would it not be a good idea to keep records and perhaps consult on these matters? I am just wondering about this.

Miss Scott: I think our records would be interesting but, to be quite honest with you, we have refrained from doing this because we do not infer, we know from memory that at some time in the past we have had a case with similar facts. However, we do not look at that, we just examine the case that is before us.

• 1215

Mr. Broadbent: Thank you.

The Chairman: Thank you, Mr. Broadbent. Mr. Murphy?

Mr. Murphy: In your opening remarks, Miss Scott, you made reference to rehearing appeals?

Miss Scott: Yes.

Mr. Murphy: The same members rehear the appeal?

Miss Scott: No.

Mr. Murphy: Is there ever a chance that you will be sitting in judgment on your own ruling?

Miss Scott: We try to avoid that if we can. So far we have granted very few motions to rehear. We have a great many motions to rehear but we have not granted very many of them.

Mr. Murphy: Is there anything in the Act to prevent you from sitting in appeal on your own judgment?

Miss Scott: There is nothing in the Act. I do not think it was thought of at the time. The Act is completely silent on this. However, there is quite a strong legal argument that as a court of appeal we have no power to rehear, but we have accepted jurisdiction in this area because if we were to refuse it absolutely across the board it would work a great injustice in a given case. The person who is asking for a rehearing files a notice of motion, and the motion is heard first to see if he has made out a *prima facie* case.

Mr. Murphy: Is that motion heard again by a quorum of the Board?

Miss Scott: So far it has been heard by a quorum of the Board. We are considering having it heard by a single member.

Mr. Murphy: But the Act and the regulations are silent on this?

Miss Scott: The Act and our rules are silent. We are drafting rules now to cover this area, but there is nothing at all in the Act.

Mr. Murphy: In the drafting of the rules are you considering including a provision which would prohibit members of the Board from sitting in judgment on their own decisions?

Miss Scott: We have not considered this, but in the scheduling of the hearings we try to avoid this. You might have one member out of the three who is the same.

Mr. Murphy: I am going back to the questions put to you by Mr. Broadbent. In your earlier remarks you said there were sometimes two and sometimes three panels. Is that correct?

Miss Scott: Very rarely three.

Mr. Murphy: Are your decisions reported?

Miss Scott: I am sorry to say they have not yet been reported, but we are now preparing the manuscript for a series of reports of our legal decisions only. We will never report the Section 15 decisions because they are not precedent.

Mr. Murphy: But you are going to start the—

Miss Scott: Yes, it is being prepared now.

Mr. Murphy: Going back to the Section 15 decisions, if we assume that you get two cases which are the same and one is allowed and one is refused, do you not feel that the person who is refused is then placed in a peculiar position?

Miss Scott: He is placed in a very bad position. He is deported.

Mr. Murphy: I cannot understand your reason for not feeling bound by precedent in the Section 15 decisions.

Miss Scott: You see, the basic philosophy behind it is that a Section 15 decision is special relief; it is discretionary. We therefore consider everything that is brought before us, all kinds of evidence, whatever the appellant brings in and whatever the respondent—which is the Department—brings in. The Minister of Manpower and Immigration may also bring in evidence before us in relation to this because we are a court of first resort and last resort. There is no appeal to the Supreme Court on the discretionary power. We take great pains with it, but we feel—and the whole Board is in agreement on this—that the appellant is the person who is being dealt with and the fact that we made a decision in a similar case in respect of another person should have no bearing either way.

• 1220

Mr. Murphy: Surely if in a similar case the appeal was allowed this would have some bearing on the situation of the second man who comes along in these circumstances or very similar circumstances.

Miss Scott: I will give you an example. You might have two cases with very similar facts but in the second case the panel hearing the appeal—and the appellant usually

appears in these cases—might not believe him.

Mr. Murphy: Then you could except that case and give that as a reason for not following the precedent which was previously set. It is a matter of credibility and that would be stated in your reasons. Do you not agree with that procedure? Then it is not the same.

Miss Scott: I think you could only do it—assuming it were proper to do it—if you gave masses and masses of detail in your reasons, the internal Board memo which is on the file, as to why the panel reached its decision. Otherwise, you see, you establish a pattern which may not be acceptable in the long run.

Mr. Murphy: Do you not feel Miss Scott, that as a court of last resort—and that is what you are in effect in these cases, as you have pointed out—there should be some precedent by which you are bound, something by which a person can tell whether he is being judged fairly or not.

Miss Scott: Of course, he can get the reasons. The parties to appeals are entitled to every reason for judgment, including the reasons under the discretionary power.

Mr. Murphy: Yes, but you have said that you do not keep a record of your earlier decisions on the Section 15 applications.

Miss Scott: We have a record of these decisions but we do not consider ourselves bound by them.

Mr. Murphy: Are those records made available to the appellants?

Miss Scott: Never.

Mr. Murphy: So he would have no way of knowing whether he was judged in accordance with earlier decisions or not, would he?

Miss Scott: No.

Mr. Murphy: Thank you.

Mr. Whiting: Miss Scott, in the light of the questions you have been asked so far, certain changes are being made in the Act. Is that not correct? You are drafting new changes or you would like to see new changes brought about in the Act?

Miss Scott: We have not yet started, but there are changes that we feel would be of benefit.

Mr. Whiting: Yes. Are there any other changes that questions have not been asked about today that you are contemplating making?

Miss Scott: I think that some sections of the Act should be clarified as to the wording. We feel that some of the administrative sections should be changed to make the Board more flexible in its workings. However, not having gone into it in too great detail yet I do not want to go into it today. I feel that the Board, should work on the redrafting because we have to thresh out everything.

Mr. Whiting: Would these be drastic or significant changes?

Miss Scott: No, I do not think so. I do not think they would be drastic in any way because the Act is entirely workable as it is. Indeed, I think it is working quite well.

Mr. Whiting: But you are going to recommend that a few modifications be made?

Miss Scott: Yes.

Mr. Whiting: Thank you very much.

Mr. Weatherhead: Miss Scott, Mr. Murphy was asking about the rehearing of appeals. On what grounds do you grant motions to rehear appeals?

Miss Scott: We have quite a lot of legal precedent on this now. One of the grounds would be that significant evidence has turned up which could not by reasonable diligence have been found at the first hearing.

Mr. Weatherhead: What would an example of such evidence be?

Miss Scott: As a matter of fact, it might even be new evidence. As far as I know this has never happened, but hypothetically one might say that if someone were ordered deported and the appeal was dismissed and no relief was given, but before this person was physically deported there was a revolution in their home country, he could come before the Board and say, "My circumstances are such that I will be shot if I am sent home", then I think the Board would say that was an appropriate case for a rehearing.

• 1225

Mr. Weatherhead: Do you know, Miss Scott, how many applications for rehearing you have granted in the last year?

Miss Scott: Up to the end of October we have received 21 motions to reopen. We have dismissed ten of these and allowed one. There are ten still to be heard. This was as of the end of October, and they are now coming in droves. I think we have received seven already this month.

Mr. Weatherhead: Miss Scott, with respect to having some hearings of your Appeal Board in Montreal, I realize this has just been in operation for a short time, but how is it working in your estimation at the present time? Is the Montreal project successful?

Miss Scott: It appears to be. It certainly is as far as the appellants are concerned. They are being looked after and...

Mr. Weatherhead: Is there quite a lot of work down there for you?

Miss Scott: Yes. Starting in October we sat for two weeks out of each month. The Board was down there for two weeks in October and November. We will sit one week in December. In January we may sit for three weeks. It is too early yet to tell whether this will build up or to what extent.

Mr. Weatherhead: Miss Scott, I understand a great many more appeals originate from the Toronto area than from the Montreal area. What was the reasoning behind the Board's decision to have the pilot project in Montreal rather than in Toronto?

Miss Scott: Because we can just handle Montreal with the number of members we have. We could not handle Toronto at all. Montreal is the right size for a pilot project.

Mr. Weatherhead: Because if you used Toronto for the pilot project perhaps most of the appeals would come to the Toronto office, is that the situation?

Miss Scott: Yes, but we do not have enough members to handle it.

Mr. Weatherhead: Yes.

Miss Scott: That might be so, but we cannot handle it with the number of members we have. Until the Act is amended we are fixed with nine members.

Mr. Weatherhead: Do you think it would be desirable to have Board hearings in Toronto if you had more members?

Miss Scott: I cannot answer that. That is the purpose, or one of the purposes, of the Montreal pilot project.

Mr. Weatherhead: But is it not a fact that a great number of appeals do originate in the Toronto area?

Miss Scott: Yes.

Mr. Weatherhead: Would you have any idea of the proportion of the appeals of the Toronto area?

Miss Scott: It is the greatest; Toronto is the biggest port of entry, Montreal is second, then Vancouver and the western areas and the Maritimes is the lowest. I think I have some figures, or at least I did have. Yes, here are the regions: Ontario 521, Quebec 289, Pacific Coast 139, the Prairies 80 and the Atlantic Provinces 27.

Mr. Weatherhead: I did not get all those figures, Mr. Chairman, but I gather that the Toronto area would include all of Ontario.

Miss Scott: All of Ontario, yes.

Mr. Weatherhead: I expect the environs of Toronto might have the majority of the Ontario figure, so the Ontario figure would be almost half of the over-all figure; is that correct?

Miss Scott: Yes.

Mr. Weatherhead: I think, Miss Scott, you mentioned that a certain number of people had been deported to the United States in the last year or so. What would be the main reason for people being deported to the United States?

Miss Scott: First of all, they would have come from there. Second, a great many of them have been stopped at the border for various reasons. Some have come in as tourists and overstayed their time. I am just relying on my memory now; I have no figures.

Mr. Weatherhead: They would mainly be in the country illegally, would that be the reason?

Miss Scott: Or stopped at the border. They may never have come into the country at all and, of course, they have an absolute right of appeal if they are deported.

• 1230

Mr. Weatherhead: I see. Would the fact that some of these Americans would be considered draft-dodgers in their own country be a factor at all in their deportation?

Miss Scott: No, that is not grounds for deportation.

Mr. Weatherhead: No factor whatsoever?

Miss Scott: No factor whatsoever.

Mr. Weatherhead: That is fine, Mr. Chairman.

The Chairman: Mr. Knowles?

Mr. Knowles (Norfolk-Haldimand): Perhaps, Miss Scott, this is not a question that would come under the Commission. This has to do with a special inquiry officer. A case came up and I wanted to sit in and hear the proceedings and this was refused me because the Act says only one counsel is allowed. Could I, in fact, have sat in had I insisted?

Miss Scott: I do not really know. I certainly have seen records—the minutes of the inquiry—where other people have sat in.

Mr. Knowles (Norfolk-Haldimand): The counsel that this chap had was far more informed than I and he was the person to be there, but I thought perhaps I had a right to be there as an observer. I am just wondering whether I did, in fact, have that right.

Miss Scott: I do not know what the ruling of the Department is on that.

Mr. Knowles (Norfolk-Haldimand): No, you would not be expected to know that. Thank you very much, Mr. Chairman.

The Chairman: Thank you. We are now entering the second round of questions. The first on my list is Mr. Broadbent.

Mr. Broadbent: Yes, I would like to come back to what, in my non-legal way, I find to be an extraordinary situation—maybe lawyers do not find it so. I find extraordinary the apparent decision by the Board not to set precedents for itself, and even further what objection would you have to making public your decisions every year, not only on an annual basis, but the grounds for each decision right after it is made?

Miss Scott: Including the discretionary releases?

Mr. Broadbent: Right.

Miss Scott: The only reason the majority of the Board is against this is because it might cause confusion, as it were. People might think, well this is a precedent, I am home free; and it is not.

Mr. Broadbent: That might be their mistake, then.

Miss Scott: I do not have any strong objections to it.

Mr. Broadbent: It seems to me to be a very important aspect of any liberal and democratic society in the judicial process, especially in a case where you have a court of first and last resort, that the reasons for passing judgments on people be made as public as possible. On these grounds as a general principle, unless one can give very strong reasons against it, I think we should act on that maxim.

Miss Scott: The person, of course, is absolutely entitled to know the reason. He knows; he is told the reasons if he asks for them.

Mr. Broadbent: Yes, but I think the rest should be too, but there is some feeling on the part of some Board members—

Miss Scott: I may say we have not really reached a final decision on this, but at the moment we are taking the position that we will not publicize the discretionary reasons.

Mr. Broadbent: But you have the discretionary power to decide whether to publicize or not, have you?

Miss Scott: Yes. You see, the only thing the Act says is that the parties to an appeal are entitled to know the reasons for the judgment if they ask for them and, of course, they receive them.

Mr. Broadbent: But if someone else should ask—

Miss Scott: If someone else asks and it was a straight discretionary decision—there was no law—we refuse.

Mr. Broadbent: You refuse—

Miss Scott: Yes.

Mr. Broadbent: —as a matter of principle.

Miss Scott: For one thing, unless we said they were precedents, it is none of their business.

Mr. Broadbent: This is outside your domain now and a personal opinion and, of course, if you want to ignore it—fine, but would you agree that is would be appropriate for a superior court judge to take the same position on any other matter that the only person entitled to know the reasons for his

judgment is the person involved, and that the general public has not, and should not have, any particular interest in the matter?

• 1235

Miss Scott: No, I would think probably not; but he does not have the wide discretionary powers we have.

Mr. Broadbent: Well, I will leave it at that.

The Chairman: Thank you. Mr. Otto, followed by Mr. Thompson, Mr. Alexander and Mr. Murphy.

Mr. Otto: Miss Scott, on the same point, I think both you and I listened attentively to Messrs. Wright and Falkenbridge about the same time, which indicates that I am not as old as one would imagine. I think this is called a board rather than a court, and further to the question by Mr. Broadbent, I believe that if it were a court then of course precedent and equity would be very important—equity meaning that two people with exactly the same circumstances should be allowed equal treatment. But if it is a board, as I understand it is the position you take—Do you not take that position?

Miss Scott: No; in fact, I think the name of the board is one thing I would like to see changed in the Act. It is not a board, it is a court—it is a superior court of record.

Mr. Otto: Then it is a court, in your opinion?

Miss Scott: It is a court.

Mr. Otto: A judicial body.

Miss Scott: It is not an administrative board or even a quasi-judicial board; it is a court.

Mr. Otto: It is a judicial body? Then I must say that the arguments put forward by my non-legal friends, and one legal friend, are very valid.

Let me get back, Miss Scott, to this sponsorship. I just want to clarify in my mind what your jurisdiction is. Let us presume that there is a case of an appeal by a sponsor concerning an applicant who is short three or four points and the decision of the immigration officer was that he was a tailor and for that he gets no points.

Then the appellant says, no, he is a machine operator—a tailor machine operator—which gives him 13 points, and he pro-

duces to you, certificates, union cards and qualifications. Do you have the jurisdiction to deal with those facts?

Miss Scott: I think we would probably send him back for re-assessment. In other words, he would have convinced us that the assessing officer was manifestly wrong in that area of assessment. So we would say, "All right, re-assess him".

Mr. Otto: And that is all you can do?

Miss Scott: That is all we have done until now because the Board feels it has not the expertise to assess in these areas.

Mr. Otto: This brings me back to the little book I was talking about that Mr. Thompson seemed to indicate was public knowledge. I have seen a green book of approximately 60 pages and each trade, each qualification is down to the particular points. First of all, Miss Scott, do you have that book in front of you?

Miss Scott: No.

Mr. Otto: You do not know what the points are?

Miss Scott: Yes, we know what the total is from the regulations. We know what the points given are because that is disclosed in the appeal.

Mr. Otto: Mr. Chairman, am I given to understand that—

The Chairman: Mr. Otto, excuse me for a moment. You were perhaps absent at the last meeting when you were chairing another committee, but Mr. Dymond, I think, or one of the representatives of the Department of Immigration, indicated to us that within the maximum the points are reviewed. They try to carry out a policy whereby the points attributed to each trade and profession are reviewed every three or six months as a natural departmental decision.

Mr. Otto: Well, am I to understand that this booklet is public knowledge, that we are going to have this booklet in our kits?

The Chairman: The booklet indicates only the maximum points allowed within each category.

Mr. Otto: I am speaking of a particular case—there are many others—where I could possibly on appeal argue that it is ridiculous to give a qualified tailor no points—I know

this is a fact—whereas a hand sewer would get seven points and a machine operator would get 13 points. These are the facts that would have some bearing in a sponsorship appeal, but since you cannot deal with it—

Miss Scott: They have bearing on any of these appeals. I agree with you, Mr. Otto; in fact, this is a sore point. We have decided that where we have to—and we have not yet had to—if the appellant can show or the Board feels on the face of the record that one of these, say, occupational demand assessments is wrong on the face of it, we will order the Minister to produce the book.

• 1240

Mr. Otto: You have the right to do that?

Miss Scott: We have the right to do that and the only way he can fail to obey the order is to get a certificate that it is contrary to the public interest to produce it. Now, we have never had that happen yet, but it is coming.

Mr. Otto: Yes, thank you very much.

The Chairman: Thank you, Mr. Otto. Mr. Thompson?

Mr. Thompson (Red Deer): I just have a single question that I omitted in my first series of questions. It concerns people who came to Canada originally under student visas and either refused to leave when they were no longer here under the basis of entry under a student visa, or perhaps for some misdemeanour. Do you have any such cases?

Miss Scott: Yes, we have appeals from deportations by students or persons who were in under student visas.

Mr. Thompson (Red Deer): Do you have any statistics showing how many?

Miss Scott: No.

The Chairman: Mr. Alexander?

Mr. Alexander: Miss Scott, I am getting a little confused now. I was checked earlier and told it is not a department and then someone said that what we are dealing with is a board. You have been very emphatic in indicating to the Committee that what we are dealing with is a court. Is that true? Do you stand by the statement that this is a court?

Miss Scott: It is a court.

Mr. Alexander: I see.

Miss Scott: It is a court of law and equity.

Mr. Alexander: It is a court of law and equity. Where I am getting a little confused now—and I have never appeared before the Appeal Board—is how the evidence is taken at that time. Is there a court reporter there?

Miss Scott: Yes.

Mr. Alexander: I see. Is there a possibility of my applying for the transcript of evidence on any particular case?

Miss Scott: Certainly.

Mr. Alexander: Is there a possibility of my acquiring the reasons for judgment in any particular case?

Miss Scott: On your own cases, always. On cases which we consider legal precedents we also give them to you if requested.

Mr. Alexander: But it is always with respect to my own case.

Miss Scott: On your own case you are entitled to the reasons as an absolute right—all the reasons, including the evidence.

Mr. Alexander: Well, let me put it to you this way. I am not involved in Case A but I would like to know what happened in Case B. This is a court of law: am I not entitled to acquire the transcript of evidence with respect to this other case and also the reasons for judgment, as you can do in any other court?

Miss Scott: You can certainly get the reasons for judgment if it is a legal decision.

Mr. Alexander: Well, how about the transcript of evidence?

Miss Scott: I do not think we have ever had that happen. I would have no objection.

Mr. Alexander: I see.

Miss Scott: It would cost a good deal of money to be giving transcripts out to all and sundry but in an appropriate case you could certainly look at it.

Mr. Alexander: It would be up to the person applying to pay for it. I would not expect it to be given as a charitable gesture. In other words, if this is a court of law, can I, as an individual, whether I am a lawyer or not, approach your court and say, "I heard of the case of Lincoln Alexander last year. I would like to acquire the reasons for judgment

and the transcript of evidence". Whether it is law and fact or just fact alone, can I come to your court and acquire that?

Miss Scott: If it is law yes, or law and fact mixed.

Mr. Alexander: But if it is fact?

Miss Scott: But if it is straight, equitable discretionary decision, at the moment, we would say, "No, we are very sorry".

Mr. Alexander: Is there any reason for that?

Miss Scott: The reason is, as I explained earlier, we have taken the position to date that the discretionary decisions are not precedents, and therefore we are under no obligation to disclose them to anybody except the parties involved.

Mr. Alexander: And that is your feeling about it? That is the feeling of the Board; is that the idea?

Miss Scott: I understand that this is the position taken by the Supreme Court too. They never give reasons on their discretionary decisions.

Mr. Alexander: There is another thing that has me a little confused. You state you are the court of first resort of which there are nine members. Is that true?

• 1245

Miss Scott: We are the court of first resort in the—

Mr. Alexander: In the appeal?

Miss Scott: ...in the special reliefs area. The court of first resort as far as the deportation order goes is the special inquiry on it.

Mr. Alexander: Yes. In the relief area?

Miss Scott: In the relief area we are the court of first resort and last resort.

Mr. Alexander: Right. And this court consists of nine members.

Miss Scott: Yes. Three of whom constitute a court.

Mr. Alexander: True, true. Is it true that on a motion to rehear the appeal, you may or may not have the same members who sat on the appeal in the first instance determining whether the motion should be granted or not?

Miss Scott: That is true.

Mr. Alexander: Then carrying it one step further, if the motion is granted for the purpose of rehearing the appeal you may or may not have the same members who sat on the appeal and who sat on the motion? These same persons can then hear the rehearing of the appeal?

Miss Scott: Yes. In fact, this has happened where the people came in with the motion; the panel heard the application for rehearing and because the people had brought in the appellants and witnesses, they reserved on the motion and went on with the rehearing on the merits. They then allowed or dismissed the motion. This was done so as not to impose the expense and the time and trouble on the appellant of coming again.

Normally we do not do this; the affidavit evidence only on motions.

Mr. Alexander: Miss Scott, this means that there is every possibility that you can continually sit on your own judgment.

Miss Scott: Yes, but you must remember, you only rehear on grounds.

Mr. Alexander: Well, it does not matter on grounds or what it may be. It appears to me that you are having the same people involved in every instance and there is no way that you can get out of this area; that you are confined to that area in all instances?

Miss Scott: We try—in fact, we have never had the original panel on the rehearing of an appeal.

Mr. Alexander: But is that really good enough though, to say "We try". Do you not think—and I say this with a great deal of respect—that there should be some means whereby it is not left up to your discretion?

Miss Scott: It is not discretion; it is on law and fact. That is not discretion. There have to be good grounds for it before the Board will grant the motion in the first place.

Mr. Alexander: Well, maybe I am not putting it clearly but do you not think that there is an area there that calls for a little scrutiny? I can put this way: When we have the same people involved in anything, and firstly in a court of first resort in the special section, the same people can be involved on the motion to rehear, and the same people can be involved on the rehearing of the appeal? Do you not think there is a little room there for...

Miss Scott: Of course, it depends how far you go in trusting the members.

Mr. Alexander: I certainly would want to think I could trust the members, but do you not think...

Miss Scott: If you had an independent body such as we are...

Mr. Alexander: Yes, but you are a court though and this is the part that bothers me.

Miss Scott: Yes, courts do this all the time. On a motion for retrial, most courts do this all the time.

Mr. Alexander: And you are the court of the last resort too. It is a very, very peculiar situation.

Miss Scott: It is certainly not peculiar in the legal field. In other words, you will often find a motion for retrial, and efforts are made...

Mr. Alexander: Yes, but it is hardly likely, if your motion is heard even by the same person, in a court of law, that you are going to have the same case heard all over again by the same judge.

Miss Scott: No, they avoid that, but we do too.

Mr. Alexander: This is the point which I am trying to make. I would like to thank you, Miss Scott; that is fine.

Mr. Thompson (Red Deer): Well, in the court of last resort they may even correspond in the Supreme Court.

The Chairman: I think we should emphasize this point. Mr. Murphy?

Mr. Murphy: You mentioned, Miss Scott, that the Supreme Court of Canada when making a discretionary decision, such as refusing leave to appeal, does not give reasons.

Miss Scott: It may give reasons to the parties, but it does not disseminate its reasons. They never report it.

Mr. Murphy: But do you agree with me, that those reasons, and also the transcript of the evidence and the proceedings, are available to anyone whether they are parties or not to the application?

• 1250

Miss Scott: I do not know. I have never tried to do it.

Mr. Murphy: In other words, if Lincoln Alexander goes to the Supreme Court of Canada and requests leave to appeal to that court, and files his documents and one thing and another, and he is heard and the discretion is not exercised in his favour and no reason is given, I can come along a month later and get the same documents and see what his grounds were and make up my mind whether I want to proceed on the basis of what the decision was in his case; is that right?

Miss Scott: Yes.

Mr. Murphy: Why is that same procedure not available with your court?

Miss Scott: We have done it to this extent: people will come in and say, "I want to make a notice of motion to re-open. How do I do it?" We show them.

Mr. Murphy: No, I am sorry I was not specific enough. If I am considering appealing to your court on behalf of a client under section 15, the discretionary, wide-open grounds, and I went to your court and asked for transcripts of evidence which had been received by your court in similar types of application in other years—in other words, precedents of evidence—would those be made available to me?

Miss Scott: No, not at the moment.

Mr. Murphy: Then, there is no way, is there, for me to determine whether or not my appeal should or should not be granted?

Miss Scott: No, but you should make the appeal anyway.

The Chairman: They are not denied, in other words.

Mr. Murphy: The power of your court comes, does it not, strictly from that statute which is an Act of Parliament?

Miss Scott: Absolutely, yes.

Mr. Murphy: Under that statute you are given the right to exercise discretion in certain cases?

Miss Scott: Yes.

Mr. Murphy: And do you agree with me that that discretion should be exercised judicially?

Miss Scott: Yes.

Mr. Murphy: If no one has access to the records except the party involved, how is anyone ever to determine whether you exercised your discretion judicially? In other words, how is Parliament to judge you?

Miss Scott: Parliament cannot judge any court.

Mr. Murphy: Parliament has given you your power, has it not?

Miss Scott: Yes.

Mr. Murphy: Parliament can also take that power away, can it not?

Miss Scott: Yes.

Mr. Murphy: In order to make its decision, do you not think the Members of Parliament or Parliament itself should have some grounds on which to arrive at a decision as to whether or not your court is functioning properly?

Miss Scott: Well, I would be happy to provide the Members of Parliament with all the reasons.

An hon. Member: Not just the Members of Parliament, but any Canadian.

Miss Scott: As a matter of fact, I agree with you. I have always felt that we should make these available to anybody who wants to see them with the proviso that it may not do them any good as a precedent.

Mr. Murphy: Would this not be understood, Miss Scott? I might appear immediately after you grant Alexander's application, but you may not believe one of my witnesses or perhaps we are not on all fours. You can always except. You do this anyway?

Miss Scott: Yes.

Mr. Murphy: Do you not agree with me too, that justice must not only be done but must seem to be done?

Miss Scott: Yes.

Mr. Murphy: And that if you keep these other precedents secret, as it were, and Alexander was successful and I was not, while

there may have been good grounds for granting his application and refusing mine, if I do not know them, then justice does not appear to have been done to me, does it?

Miss Scott: That is arguable certainly.

Mr. Murphy: Yes, thank you.

The Chairman: Are there any further questions?

The Chairman: If there are no further questions I shall call Item 30. Shall Item 30 carry?

Item 30 agreed to.

• 1255

The Chairman: The next meeting will take place on Thursday at 2.00 p.m. in room 371 in the West Block. On your behalf I thank Miss Scott and her officials for a most interesting morning.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,
The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

**LABOUR, MANPOWER
AND IMMIGRATION**

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, NOVEMBER 28, 1968

Revised Main Estimates (1968-69) relating to Manpower
and Immigration

INCLUDING THIRD REPORT TO THE HOUSE

APPEARING:

The Hon. A. J. MacEachen, Minister of Manpower and Immigration

WITNESSES:

From the Department of Manpower and Immigration: Mr. R. B. Curry,
Assistant Deputy Minister (Immigration); Mr. W. R. Dymond,
Assistant Deputy Minister (Program Development Service); Mr. E.
P. Beasley, Director, Home Services Branch, Immigration Division.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Georges Lachance
and Messrs.

Alexander,
³ Benjamin,
² Breau,
Brewin,
¹ Cafik,
Dumont,

Knowles (*Norfolk-
Haldimand*),
Loiselle,
McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,

Otto,
Paproski,
Roy (*Timmins*),
Serré,
Skoreyko,
Thompson (*Red Deer*),
Whiting—20.

Michael A. Measures,
Clerk of the Committee.

¹ Replaced Mr. Turner (*London East*) on November 27, 1968.

² Replaced Mr. Weatherhead on November 27, 1968.

³ Replaced Mr. Broadbent on November 27, 1968.

ORDER OF REFERENCE

WEDNESDAY, November 27, 1968.

Ordered,—That the names of Messrs. Cafik, Breau and Benjamin be substituted for those of Messrs. Turner (*London East*), Weatherhead and Broadbent on the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

FRIDAY, November 29, 1968.

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

THIRD REPORT

Pursuant to its Order of Reference of Wednesday, October 16, 1968, your Committee has considered the items listed in the Revised Main Estimates for 1968-69 relating to the Immigration Appeal Board and to Manpower and Immigration.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 and 3 to 7 inclusive*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

MINUTES OF PROCEEDINGS

THURSDAY, November 28, 1968.

(8)

The Standing Committee on Labour, Manpower and Immigration met at 2:05 p.m. this day, the Chairman, Mr. Caccia, presiding.

Members present: Messrs. Alexander, Benjamin, Breau, Brewin, Caccia, Cafik, Knowles (*Norfolk-Halifax*), Lachance, Loiselle, McNulty, Murphy, Paproski, Roy (*Timmins*), Serré, Skoreyko, Thompson (*Red Deer*), Whiting.—(17).

Also present: Mr. Deakon, M.P.

In attendance: The Hon. A. J. MacEachen, Minister of Manpower and Immigration; Mr. R. B. Curry, Assistant Deputy Minister (*Immigration*); Mr. J. P. Francis, Assistant Deputy Minister (*Manpower*); Mr. W. R. Dymond, Assistant Deputy Minister (*Program Development Service*); Mr. E. P. Beasley, Director, Home Services Branch, Immigration Division.

On a suggestion of Mr. Brewin, the Chairman agreed to have the Subcommittee on Agenda and Procedure consider the matter of possible travel for the Committee during 1969.

The Chairman introduced the Minister and the others in attendance.

The Committee resumed consideration of item 1 of the 1968-69 Revised Main Estimates relating to Manpower and Immigration.

The Minister was questioned, assisted by Messrs. Curry, Dymond, and Beasley.

On completion of the questioning, item 1 was carried.

The Committee having carried all items of the Revised Main Estimates for 1968-69 relating to the Immigration Appeal Board and to Manpower and Immigration, it was agreed that they be reported and commended to the House.

The Chairman thanked the Minister and the others for their attendance.

At 4:16 p.m., the Committee adjourned to the call of the Chair.

Michael A. Measures,
Clerk of the Committee.

EVIDENCE

(Hansard Reporters Present and Reporting)

Thursday, November 28, 1968.

The Chairman: There is a quorum and I shall call the meeting to order. Ladies and gentlemen, as you know, the minister is with us, together with officials from the department, whom you will know, and without further delay I shall invite your questions. I already have Mr. Brewin's name down as a questioner.

Mr. Brewin: May I raise a point of order, or a question of privilege?

The Chairman: A point of order? Yes.

Mr. Brewin: I think it is. I am never quite sure. The previous joint committee received a lot of extremely valuable evidence about the impact of laws and regulations on immigrants by visiting Toronto and Montreal, hearing from organizations and ethnic groups particularly concerned with the application of immigration policy. I think some of the churches also made representations. Certainly, the Canadian Labour Congress gave its views.

Since then, the new regulations have been in effect for some time. No doubt we shall hear from the minister and from others in the department how these things have been working from their point of view. I should like to suggest, and, if it is in order, to move, that the steering committee be organized to consider making arrangements for the committee to travel to some of the main centres—I am thinking of Toronto and Montreal where they receive more immigrants than anywhere else—after the new year.

The Chairman: When was the last round of visits completed, Mr. Brewin?

Mr. Brewin: I think about 1966 if my memory serves me right. Very good recommendations arose from them. In fact, I believe the present regulations which came into effect in 1967 reflect some of them, and no doubt the people affected by them will have views as to how they are working.

The Chairman: When we convened the steering committee no such recommendation was made, and that was perhaps a month or more ago.

Mr. Brewin: You had better reconvene it, then.

The Chairman: At that time it was agreed that we would go through the revised estimates, and that is what we are doing. But I would be more than happy to reconvene the steering committee in the near future to discuss the hon. member's proposal.

Mr. Brewin: All right. Then I will not make a formal motion.

The Chairman: The committee will now assume consideration of item 1 of the 1968-69 revised estimates relating to manpower and immigration. Item 1. Mr. Brewin has advised that he wishes to ask some questions.

Mr. Brewin: I wanted to ask the minister whether he plans to introduce legislation as proposed in the white paper of 1966 which contains a number of recommendations, some to be implemented by administrative action, some by regulation and some by amendments to the act. I should like to ask the minister whether there is draft legislation in existence, whether this could be referred to the committee, and what prospects he sees for dealing with these legislative changes recommended by the government itself in the white paper.

Mr. MacEachen: In reply to that question may I say it is not intended to introduce changes to the Immigration Act this session. I certainly would want a little more time in the department myself before undertaking a major move of that kind. I think the department is very well advanced in preparing changes to the legislation and the instructions on various undertakings have certainly been cleared up. But there is considerable work to be done yet. I would certainly like to do some more work. It would be my hope to try to get legislation introduced, not this session but as soon as possible after this session.

Mr. Brewin: I do not know what the normal time lag is supposed to be, but the white paper represented government policy. I am interested in knowing whether, when there is legislation, at some stage before the whole thing has jelled, it could be referred to this committee.

Mr. MacEachen: I really cannot answer the question because I think it is a bit early, until the legislation has been prepared and approved by the government. At that point I would certainly consider whether we ought to send it at some stage or another to the standing committee. I have no prejudice against sending it to the standing committee but I do not want to be definite until we are more advanced in the preparation of the legislation.

Mr. Brewin: If I may refer to the regulations which were revised to go into effect in October of 1967, there is one aspect of them which I think has caused a great deal of unhappiness in some quarters at any rate, and that is the allowance of 15 points out of a required 50 points for an independent or nominated applicant for personality as assessed on an individual basis. A very broad and subjective test may be inferred from regulation No. 4, I think. When Mr. Kent was deputy minister he said an effort would be made to spell out more fully the standards to be applied by officers of the department in assessing personalities. I can tell the minister that, from my observation, this has not worked well. Personalities are assessed usually for a maximum of 8 points and occasionally at 10 points. Surely in some cases applicants deserve a higher rating than that. The lowest rating seems to be at 4 points. Now, this is purely a subjective test and merely to say that 30 per cent of all marks should be applied to education, skill, training and so on is not satisfactory.

I know I have talked quite a bit about this but I should like to know whether individual immigration officers making these tests have been instructed on how to try to assess personalities. Has consideration been given or will it be given to reducing the impact—I do not say to eliminating the impact—of the purely subjective test?

Mr. MacEachen: Perhaps Mr. Currie can answer the first part of the question. I shall be happy to deal with the second part myself.

Mr. Curry: Answering Mr. Brewin's question as to whether instructions have been given to our officers to enable them to deal adequately and competently with the way of

awarding the 15 points at their disposal, the answer is yes. Very full instructions have been given about the various points to which officers should direct their attention in making assessments. Some guidance has been given to them. In addition to that, all our officers who have entered the service since the new regulations were enacted or who were previously in the immigration service have been given or are being given very full training in how to use their judgment in this area. I think that all who have looked at this matter have felt that there is room for subjective assessment. The review that has been conducted on the subject by ourselves and others has led us to conclude that the process of point awarding—if one may call it that—should not be reduced to a process that is either purely mechanical or objective. Our people must look at these applicants and see them in terms that do not consider merely age of the applicant, the number of years of education the applicant has had or whether the person can obtain employment in Canada. There are some aspects of a person that can be assessed only by an adequately trained officer, and we felt that 15 per cent of the total marks to be awarded ought to be reserved in this area.

Mr. Brewin: Yes, I agree with you. Yet in almost all instances the actual assessment is between 4 and 8 points.

Mr. Curry: We are making a complete study of this matter within the proper division of our department that deals with immigration matters. The people undertaking program development will look at these questions very carefully. They look very carefully to learn what the actual assessment has been in many thousands of cases. Of course, I must accept what Mr. Brewin believes, which is that assessments have been made on merit have perhaps been fairly low. Yet, certainly, there are people whose assessment is very high. I suspect that the people Mr. Brewin refers to fall within the normal distribution range or the normal distribution curve.

Mr. Brewin: I had the impression that if the Angel Gabriel were to be assessed he would not be given more than 10 points.

Mr. Curry: Then I can only say that we have admitted to Canada a very considerable number of Angel Gabriels from all over the world.

Mr. Brewin: Could I ask, Mr. Chairman, whether it would be possible for Mr. Curry or the minister to produce these instructions as to personality? To an outside observer it seems that in many cases assessments by Immigration officers have been lower than they ought to be.

Mr. MacEachen: Normally these instructions would be for the use of officers. Nevertheless, I shall discuss the possibility—

Mr. Brewin: Of making them available to this committee?

Mr. MacEachen: Yes. I would consider that.

Mr. Brewin: I do not want to speak too long, but there are a few other matters I wish to raise. As a consequence of the report of the royal commission on security is any change contemplated with respect to the problem of the security background of would-be immigrants from countries that are behind the iron curtain? That is, what is the picture in regard to immigrants who, except for the fact they come from countries that are behind the iron curtain, would otherwise be desirable? Has there been any change in the regulations? What is the situation? Does the report of the royal commission on security contain advice that is helpful on this point?

Mr. MacEachen: I have not seen any report of the royal commission. I have not been advised of any information or recommendation in the report. Up to the present no change has been made. Since I became minister responsible for these matters there has been no change.

Mr. Brewin: Previously when we asked a question with regard to security problems that would affect citizens who might come from countries behind the iron curtain such as Poland,—I presume Czechoslovakia must be included—Rumania and Russia itself, we were told, and I think this is in the white paper, that the immigration department has not dealt with this problem because we are awaiting the recommendations of the Royal Commission on Security.

I invite the minister to look into this matter and perhaps report to the committee at some other time.

Mr. MacEachen: Certainly, when we obtain the report we shall be looking at this question. Until then I do not think, really, that I can comment.

Mr. Brewin: I have just one other point to raise, if I may be allowed to. It has to do with the Immigration Appeal Board. The legislation governing it might perhaps be changed, without it being necessary to revise the entire Immigration Act. The previous committee discussed this matter and the steering committee was ready to support this recommendation. It is that the Immigration Appeal Board be given wider jurisdiction with respect to people who do not meet the norms of assessment but who appear likely to settle successfully in Canada. As I understand the rules, the Immigration Appeal Board cannot review the assessment of an immigration officer on any of the units of assessment. I point out to the minister that in current regulation 32 an immigration or visa officer may approve the admission of an independent applicant who does not meet the norms set out in schedule A or refuse the admission of an independent applicant who meets the norms set out in schedule A, if, in his opinion, there are good reasons why those norms do not reflect the particular applicant's chances of establishing himself successfully in Canada and those reasons have been submitted in writing to and approved by an officer of the department designated by the minister.

I do not know whether that subsection has ever been made use of. Perhaps Mr. Curry could tell us if it has been.

Mr. Curry: Yes, it is used from time to time. Perhaps we are not talking about the same thing but the interviewing officer must make a special notation of his reasons for the assessment. A case in point might be where a chap's assessment is a little too low to pass.

Mr. Brewin: What about if a man is assessed at 46 per cent, say, and yet he has someone over here who will give him a job?

Mr. Curry: You must also look at the reverse process. A man may obtain 54 per cent and yet the visa officer may feel that the marking process is not such as to produce an appropriate result, based on his interview with the man.

Mr. Brewin: How often is that power exercised?

Mr. Curry: Not very often, but it is exercised on occasion.

Mr. Brewin: I am suggesting to the minister that consideration be given to providing the Immigration Appeal Board with a similar power. I am not asking them to review any

assessment in detail—I do not think they would want to do that. Nevertheless, in cases where there might be special reasons for thinking that a person can establish himself, those powers might be exercised in favour of the applicant.

I think there are such cases and I think the Immigration Appeal Board is aware of them. Perhaps we could amend the regulations to make the entire structure less rigid and in order to give the appeal board wider jurisdiction in those areas where, at present, it is bound hand and foot. If you give such discretionary powers to immigration officers why can you not give them also to the appeal board?

Mr. MacEachen: I have noted your point. I will be happy to look at it and discuss it with the Chairman of the Immigration Appeal Board and obtain her reaction. I should like to know her reaction to the experience that has been gained in this field up to the present time. Frankly, I have not considered this point before but I will be happy to consider it and to discuss it with the officers of the department.

Mr. Brewin: Could we also obtain, through the chairman of the board, the views of the other members on this matter, because they have views on the matter?

Mr. Skoreyko: Mr. Chairman, I wonder if it is proper for me to ask some questions about a matter that is presently, or will be, in a week or two, before the Immigration Appeal Board. It has to do with an assessment, but I want to do nothing to prejudice the case before the board. I am interested in questions of merit and in points of assessments generally. Is there any objection to my raising this?

Mr. MacEachen: What are you referring to?

Mr. Skoreyko: The appeal in question was heard last Monday, November 25. The solicitor from Edmonton could not come to ask for an adjournment—

Mr. MacEachen: Well, would it not be better for us not to discuss the case while it is still before the board? I do not know about the case, but I think, normally, it is best not to discuss such matters.

The Chairman: Perhaps Mr. Skoreyko could ask about it in general terms.

Mr. Skoreyko: Could we deal with the case in general terms, without mentioning any particular names? I wish to ask the minister

and the deputy minister a question about guide lines. What guide lines are used when a interrogation officer runs into a situation where a person is not, under regulations, an admissible person. Particularly, I am talking about one whose ethnic origin is in the British Commonwealth and who has gone from there to England and, subsequently, to Canada. The person I think of has 25 points towards admission, points arrived at after taking a typing examination with the department. Yet the immigration officer ruled that she had insufficient knowledge of typing and ordered her to be deported.

I do not know what guide lines that particular man used since I have on file a letter from the University of Alberta saying the university would be more than happy to hire this particular immigrant, because of her typing ability. They particularly want her because she speaks four different languages fluently and they can use someone like that in the library at the University of Alberta. Yet for some reason or other the officials in Edmonton rejected her application to remain in Canada. Is there any reason for her being turned down? Can the reason have anything to do with security? If not, what could it be. As far as I am concerned she has as much ability as a typist as my own secretary, and I am quite happy with her.

Mr. Curry: I think we would have to see the exact case in question.

The Chairman: According to our standing orders such a matter can only be dealt with along general lines, not specifically.

Mr. Skoreyko: I am not mentioning any names.

Mr. MacEachen: It is very difficult to answer this point. Presumably the applicant received 25 points on her general assessment.

Mr. Skoreyko: She received no points. She is a reasonably good typist but received no points for her typing at all from the immigration officials. Apparently it was a new machine and her argument was that she was not used to it and had difficulties with it.

The Chairman: It is extremely difficult to discuss the merit of an individual case because we do not know the relevant facts.

Mr. MacEachen: The immigration officer would apply the selection criteria and presumably would give her 25 points as an independent applicant, aside from your

suggestion that the immigration officer should have given her a rating higher than zero for her occupational skill.

Mr. Skoreyko: Is there some set of guidelines here?

Mr. Curry: You mean, for the distribution of the points?

Mr. Skoreyko: Yes.

Mr. Curry: May I take a moment to reply to this, Mr. Chairman?

The Chairman: Yes.

Mr. Curry: The 100 credits are divided as follows. Education and training, which is based on number of years of education, takes up to 20 points in the assessment. Then the personal assessment is up to 15 points. The occupational demand—that is, the demand in Canada for a person with the type of experience and training that the applicant claims to have—is assessed up to a maximum number of 15 points. This is fed through to the visa officer steadily from reviews that are continuously made in Canada.

Now, her occupational skill—which I think is the point to which you are perhaps addressing yourself—takes up to 10 points. This is the skill that she possesses and all the rest of it. Her age takes up to 10 points. Then arranged employment—that is, if it is arranged before she applies—10 points. Her knowledge of French and English, up to a maximum of 10 points. This allows for whether she is divided equally between the two languages. If she has a relative in Canada, who does not have to be responsible for her but nevertheless is a relative, this is worth five points.

Mr. Skoreyko: The interrogating officer, then, uses his own judgment, does he?

Mr. Curry: Yes, that is right.

The Chairman: In the absence of a computing machine I think that is unavoidable. Personal judgment must come into consideration here.

Mr. Curry: I recall that under some circumstances we do arrange for trade testing. I was thinking of Hong Kong where there are many people who claim to be cooks. They are trade tested. In the normal case of a person claiming typing skills, assessment is made on the basis of the work history and the documentation that the girl herself brings to the

attention of the reviewing officer; that is to say, where she did her business training, how long the course was, what credits she was given, and so on.

Mr. Skoreyko: Well, I can speak to the minister about this on a personal basis.

If I may, Mr. Chairman, I should now like to refer to some information I have that may be correct or incorrect. It is my understanding that certain offices—to be exact, four immigration offices in England—have recently closed down. When I say recently, as of last May or June. It is also my information that an additional number of offices—and I do not know how many—have been opened in France and other parts of Europe. If this is correct, what would be the reason for it?

Mr. Curry: The history of our offices in the foreign service is briefly as follows. We opened two offices in France as long ago as three years. No additional ones have been opened since. These were at Bordeaux and at Marseilles.

We have recently amalgamated another office that was in Berlin with another of our offices in Germany. We have amalgamated another office in the southeastern part of Germany with another in the same area.

We have likewise amalgamated two sets of offices in Britain, in the Midlands. We considered that we wanted to get better balance over the whole world in regard to dispersal of our facilities, and we added substantially to a number of offices at a number of points, such as in India at Delhi and at Hong Kong.

We have also opened a new office in Australia which we did not have before. We have given more strength and capability to the office at Beirut in the Lebanon which covers all of Africa, except for Cairo where we have an office.

In general there has been a redistribution to a limited extent of our facilities. With our shortage of money and shortage of people, it is a case of—if you will pardon the phrase—balancing out the dissatisfaction that we sometimes feel about the service that we are capable of giving. In other words, it is not as good as we would like it to be anywhere. However, the changes that have been made in Britain and in Germany are not such as to affect the standard of service at all.

Mr. Skoreyko: Thank you. I do have another question for the minister which I do not think is his responsibility any more although it does affect immigration. I hope that after I

have completed my remarks, if my point does not affect the minister he will make the appropriate recommendation to the minister whose responsibility it is.

I have a number of files with me here in connection with a number of Canadians living in my riding—I am sure there are others all over the place—who emigrated to Canada from central Europe as far back as 1927, 1928 and 1929 and who participated in a communist cultural centre, if you like, and have for 30 years been denied their right to be citizens of Canada. They still have not received their citizenship papers.

I realize this question is no longer a matter for this particular department but, as I say, it does affect immigration. I hope that through this department word will get to Mr. Pelletier, I guess it is, that something should be done about this, because I think it is distasteful.

Mr. MacEachen: I have no comment to make, Mr. Skoreyko, but I will certainly mention this to Mr. Pelletier straight away.

Mr. Skoreyko: Thank you. I will have some more questions later.

The Chairman: The next is Mr. Thompson.

Mr. Thompson: Mr. Chairman, I will group my questions and limit them at this time to this area. My first question comes back to the question of assessment. In the scale of points that are given according to various classifications there is no doubt that personality is important. My question is: What portion of applicants are actually interviewed by the various immigration officers? Do they attempt to interview all applicants, or is there a basis for screening that reduces the number of applicants to a workable number so that personal interviews can be held?

Mr. Curry: Not all applicants are interviewed. However, every applicant who is felt worthy based on what is known as a paper assessment, which is given a very liberal range, is called for a personal interview, and he or she is given a full interview by a trained officer.

We get, of course, hundreds of thousands in the course of a year making application. Many people all over the world have sought admission to Canada, and therefore there are many applications of a character or of a standard that could not possibly result in admission of the applicant. That is usually quite obvious in the application that is made.

So they are paper screened. If it is felt that a person is far below, on their own statements, any hope of reaching the standards required, then that person is so informed and is not called for personal interview. But all those who are called are seen by a trained officer.

Mr. Thompson: Could we be informed as to the basis of this paper assessment?

Mr. Curry: The paper assessment is based on the scale that I indicated to you a few minutes ago in reply to another member. It is the same scale exactly. If a person shows by his own statements that on the scale he would get nowhere near 50 points—and this is quite a big range—he will not be called for personal interview.

Mr. Thompson: Let me be specific, Mr. Chairman. I have had a number of cases brought to my attention where people have made application, and in their opinion or in the opinion of their relatives they have a reasonably good chance of receiving a passing mark, or 50 points under the points system. Yet they have been denied an interview.

I will bring up a specific case, and I can supply the names and so forth if you wish. It involves the brother of an Indian lady from India who with her husband emigrated to Canada several years ago. Both of these people have been very worthy citizens and have good occupational training. This brother applied to come to Canada, and according to the information that I have this young man should readily have received 50 points. Finally a letter came through from the brother informing this couple that he had been turned down, that he could not qualify.

I asked this lady to write back and ask for the basis for his rejection. A letter was received from the immigration officer in Delhi which said, in effect, that he had been turned down because he did not qualify. Actually the inference I drew from the letter was that he had been examined and found not to qualify.

I further investigated this case and discovered that this young man was not even called for questioning, even though the letter of rejection did not specifically say so. As I say, my inference or interpretation of the letter was that he had been interviewed.

Mr. Curry: This was a letter that was written to him, was it?

Mr. Thompson: Written to him and which he sent over here.

Mr. Curry: Surely he would know whether or not he had been interviewed.

Mr. Thompson: He knew that following a second letter asking questions.

Mr. Curry: I see.

Mr. Thompson: What has disturbed me about this case, which points up a number of cases, is that this paper assessment is very flexible in the hands of the person who is reviewing the application. He has within his power the right to screen by number, rather than by qualification perhaps, the number of applicants that pass through his hands, and this is a little disturbing. Here is a legitimate case that I think was tossed out. If there had not been some way of appealing the case the person would definitely be out. What have you to say about that? I will be glad to give you the documentation on this case.

Mr. Curry: I would be happy to have it. No system which is responsible for as many as 600,000 or more applications to come to Canada in a year is going to achieve perfection. There may be instances, and this may be one, where the standard of perfection was missed. I would like to look at it and review it, but on the whole we believe the system has worked well and is working well, and that the interviewing officers are not only honest and intelligent but that they do a good job. In the matter of paper screening there is such a margin between the person who is called and the person who would pass that in general it is hard to think that people dealt with are harshly dealt with by being screened out. If a high proportion of all those who apply were called for personal interviews the queues in our offices would be far longer than they are and the waiting period would be longer. The net effect would be that a comparable number of people would be admitted but everybody admitted would have to wait longer to get here.

Mr. Thompson: Perhaps I shall direct my next question to the minister and he can pass it over to the deputy if he wishes. On the presumption that we want as many immigrants as possible who can meet the requirements are you adequately staffed, particularly at pressure points? I am thinking of Hong Kong and India.

Mr. Curry: Mr. Chairman, I have not consulted with my minister on the propriety of what I am about to say but I think I am compelled to say in all conscience that

throughout our general service, with some exceptions, we are nowhere adequately serviced. In other words, we do not have enough people and money to do the job that we think we should do, but we have done our best to rid ourselves in our administration of gross inequalities. In other words we are trying to give the same service or standard in Delhi, Hong Kong and other points in Asia that has obtained over many years in certain European countries. The work load is measured very carefully, and a reassessment of the staff requirements is made periodically so that gross inequalities should not persist.

The Hong Kong office is a case in point. I visited it only a month ago. Whereas we had some 15 people in it no later than four years ago we now have 38 people in Hong Kong, including the local employees.

Mr. Thompson: How long would an applicant have to wait in Hong Kong before his case is dealt with?

Mr. Curry: It is according to the type of applicant.

The sponsored person has no more waiting time in Hong Kong than anywhere else. A wife or a child of an immigrant who has been landed in Canada can come forward as quickly as they could from almost any other point. The nominated immigrant may have to wait a little longer. The people who have to wait the longest from some points of view are the people who apply on their own as independent persons. I am speaking of a man with a trade or profession, but unfortunately other people have prior claims on humanitarian grounds.

Mr. Thompson: In sponsored cases such as those of wives, husbands or needed children, is it six months, eight months or a year?

Mr. Curry: It is shorter than that for sponsored people. The sponsored classes have been reduced now to dependent relatives, in fact almost to the immediate family of the immigrant, and those who are less closely related or less dependent on him are nominated people in broader classes. I do not know precisely what the waiting period from an office like Hong Kong would be for a sponsored person, but depending on proof of identity and other matters it should not be more than two months.

Mr. Skoreyko: Mr. Curry, you said that the sponsorship of relatives has been reduced almost to immediate relatives. When did this happen and why?

Mr. Curry: This is as a result of the studies on the white paper and the views expressed by the Joint Senate and House of Commons committee, and the development of the new regulations of last year, 1967. The group of people who can come in because of some degree of relationship was actually extended, covering both the sponsored and the nominated. It was done on the basis of the degree of dependency of the immigrant on the person in this country who wants the immigrant to come forward. If it is a relative who would not depend on the landed immigrant for a living then he is put through an assessment system on a certain number of these units, not all of them, and such applicants are divided under the new regulations into three groups.

Mr. Skoreyko: In the case of people who are sponsored relatives from Poland or Russia—for example if I had a brother living there I could not sponsor my brother's daughter or son?

Mr. Curry: You would have to nominate that person. In other words you would have the privilege of asking that that person, because of your presence as a landed immigrant in this country, should be able to come forward.

Mr. Skoreyko: I would be able to sponsor them?

Mr. Curry: No, you would nominate them.

Mr. Skoreyko: Nominate them?

Mr. Curry: That is right, on the basis that he or she would be self-supporting when they got here.

Mr. Skoreyko: That is very interesting because I do have a specific case where an elderly couple in the city of Toronto are worried about an estate problem. They are getting on in years and the only real relative they have is a brother, somewhat older, in Russia. The husband has attempted to bring his brother's daughter into this country, and I have a letter on file in my office, which he received, written by an immigration official in the local Edmonton office, advising him that he has a closer relative in Russia and therefore should give consideration to bringing him in rather than the girl. Is this in accordance with the regulations?

Mr. Curry: Yes. A person who has some other dependents, I am talking in terms of a father, mother or brother, the nominated

ones, can bring the closest relative in, but it is actually a one shot affairs in the life of the immigrant. This regulation was devised to take care of the very touching humanitarian cases that were frequently brought before us in the last several years, such as that of a Polish family in Toronto, people who had achieved some means here, who had no close relatives due to the pogroms in Poland, but they had a niece or nephew they would like to bring out and make that person their dependent or heir. This particular spot in the new regulations was designed to take care of that kind of situation.

Mr. Skoreyko: Then I can write this man a letter and tell him to try again?

Mr. Curry: Yes. I would like to see the case.

Mr. Thompson: You mentioned that you now have 38 on your staff in Hong Kong. How many countries besides Hong Kong are served by this group of officials?

Mr. Curry: Very few now relatively. Previously Korea was but it is now served from Tokyo. Roughly they serve the southeastern Asia area.

Mr. Thompson: Then do they travel?

Mr. Curry: Yes, they go out in travel teams from Hong Kong. The area they cover has been somewhat reduced due to the establishment of the new office in Australia for the southern Pacific and due to the added facilities we have put in at Tokyo. I should also mention our facilities in Manila, in the Philippines.

Mr. Thompson: I suppose it all comes back to the budget. I have been in Hong Kong often and I know the staff has to be spread around other countries. I have two other questions relating to the points system. In assessing on a relative, an immediate member of the family, apparently consideration is being given to age and to the ability of the person to adjust. I have in mind a superintendent of nursing in one of the western hospitals who wants to bring her mother and father over from South Africa. Even though the father speaks English and is a carpenter by trade he has been refused on the basis that he would not be able to adapt to this country. This is the record as I have it. Do your officers have that authority?

Mr. Curry: I am not quite sure of the class of immigrant we are talking about here. Is it a nominated person?

Mr. Thompson: No, this would be a sponsored person.

Mr. Curry: And what degree of relationship?

Mr. Thompson: Mother and father.

Mr. Curry: There is nothing would prevent the mother coming on the basis of her age.

Mr. Thompson: It is a mother and father.

Mr. Curry: And her age?

Mr. Thompson: She is 55. The father is 56.

Mr. Curry: People under 60 are admissible on this basis under certain circumstances.

Mr. Thompson: Under 60?

Mr. Curry: Under 60. However, if they are under 60 they are not admissible in this way if they are likely to enter into the labour force.

Mr. Thompson: They would enter the labour force. This person would be able to earn a living.

Mr. Curry: Then that person should apply as an immigrant and he would qualify.

Mr. Thompson: I don't understand why he should apply when he is the father of a Canadian citizen.

Mr. Curry: You are into an area here which is quite technical, and I might ask Mr. Beasley, who deals with this type of thing to speak to it.

Mr. Thompson: The question is simply this. A lady wants to bring over her mother and father. The father is a carpenter by trade. He is not permitted to come because he is considered too old to adapt, I suppose into the trade situation.

Mr. Beasley: As Mr. Curry has pointed out, what were previously sponsored categories under the new regulations were divided into two categories, sponsored dependents and nominated relatives. Sponsored dependents are in fact dependent on the sponsor and require no qualifications of their own, occupational, educational or otherwise. They are admissible simply because they are in the degree of relationship outlined in the regulations. The nominated relative on the other hand gets certain credit for the fact that he has a relative here, but he must also have certain minimal qualifications, educational

and occupational, to ensure that without the assistance of his relation here he can fit into the Canadian labour market. The qualifications he requires are outlined in Schedule B of the regulations. They refer to education and training, personal assessment, occupational demand, occupational skill and age.

Mr. Thompson: What you are saying is that a case like this would be able to come as a sponsor immigrant but not as a nominated relative.

Mr. Beasley: No, sir. To be a sponsored dependant a parent must be 60 years of age or over. A parent who is under 60 years of age is not, according to the regulations, a sponsored dependent but a nominated relative.

Mr. Thompson: Do you consider that to be fair?

Mr. Beasley: I do not think I should comment on that.

Mr. Curry: It is government policy.

Mr. Thompson: Here is a case which I think is really legitimate, a case where the parents probably wish to leave South Africa. The eldest daughter is well established, a Canadian citizen, but is unable to bring her parents here. Under the points system I cannot see why this should not be done. It is true the department might not consider a carpenter's trade as being an essential trade. I don't know.

Mr. Beasley: I cannot comment on that particular case but I might say that a person who is qualified as a carpenter would normally qualify, I would think, because the nominated relative of a Canadian citizen requires only a total of 20 points in order to qualify. The remainder is made up by the fact he is related to the Canadian citizen in that degree of relationship.

Mr. Thompson: I hesitate to be too critical in my attitude because I know many of the immigration officers and I understand something of the load they work under. But it does seem to me there is a great deal of discrepancy in the judgment shown, as far as many of the cases which come before me are concerned.

Mr. Brewin: Could I ask a supplementary question which might be helpful to Mr. Thompson because I know there are other cases like the one he raised. Would it not be

possible to consider the case under the provisions of subsection (5) of section 33 dealing with nominated relatives? Even if the applicants did not meet the points total, would not someone in that position, nearly 55, with someone who could look after him...

Mr. Beasley: It would be possible for the officers to exercise discretion under that subsection.

Mr. Brewin: Are they able to do that? I do not think most people know about it. I am not sure whether even the immigration officers know it is there.

Mr. Thompson: I will bring both these specific cases to the attention of the department, because I have based my points upon specific cases.

How does an immigration officer decide whether or not an occupational demand exists? It may be that a certain trade which is in very short supply in Alberta does not offer employment opportunities in Toronto, or Ottawa, or Montreal. Is the occupational demand assessed in accordance with the region in which the applicant is to settle?

Mr. Curry: I think that Dr. Dymond who is in charge in this area would like to say something about that question.

Mr. MacEachen: The question Mr. Thompson put is how do we assess occupational demand. Is it a general assessment across the country?

Mr. Thompson: I have in mind especially the building trades. I know there is a tremendous shortage of labour in those trades in Alberta whereas perhaps in Montreal or Toronto there is an abundance of those skills.

Dr. Dymond: The assessment is based on information from our local offices as to the strength of the labour demand, the number of job vacancies...

Mr. Thompson: Regionally?

Dr. Dymond: The information is based to a great extent on the situation reported by our local offices. Consideration is given to a number of factors which affect the requirement and the supply and an assessment is made of the strength, so to speak, in quantitative terms, of the demand in each occupation. This is done monthly. However, the points for the immigration selection system are on the basis of a Canadian average—the 15 points. So you are quite right in the sense that you could

have a very strong demand in one place which might be offset by a lower demand in another.

The regional demand is taken into account in the five points for market area demand and it is represented on a scale of one to five by each labour market area across Canada. So there is a separate reading or survey of occupational demand which is produced, as I say, all across Canada on a cross-Canada basis. I think the reason for this, primarily, is that there is no assurance where the immigrant will decide to go in Canada.

Mr. Thompson: I was thinking of a sponsored or nominated immigrant.

Do you give credit for pre-arranged employment regardless of whether or not that particular employment fits into the pattern of occupational demand in a broader sense? Suppose someone has a pre-arranged job in a classification which is not regarded as one where there is need for occupational skill.

Dr. Dymond: That does not enter into the 15 points. That is a separate 10 points, regardless of the strength of the occupation.

The Chairman: Provided he is not sponsored.

Mr. MacEachen: Independent.

Mr. Curry: Maybe the job is not even listed. On the basis of occupational demand there might be very little to go by.

Mr. Thompson: A number of cases have come to my notice concerning students applying for student visas, whom we have lost to institutions in the United States.

This situation arises either because of delays on the part of our staff or because of the judgments on the part of Canadian immigration officers different from those reached by United States immigration officers. I have before me a couple of cases which arose during the past year. This is a problem which it seems to me should not exist. Certainly, as far as education is concerned, Canada ought to be one of the easiest countries to enter. Yet I could specify a number of instances when we have lost students to United States schools because they found it was easier to get into the United States than to enter Canada. I am not thinking, now, of students from Africa or Asia; in these cases they are students from Australia. Do you feel that our student visa requirements here are more difficult than they are in the United States?

Mr. Beasley: I cannot compare them with those in the United States but I think our requirements are relatively simple. A student is required, first of all, to be accepted by an institution in Canada. Then he must have sufficient funds to look after his education and care during the time he intends to stay in Canada. He must be in good health and not be prohibited on criminal or other grounds. These are the only requirements. I suspect the difficulty in some cases may be that Canadian universities, the Canadian institutions, have higher standards of acceptability than the candidates find elsewhere.

Mr. Thompson: I do not think it is that, though I will not argue about the point you have made. I believe it hinges on the question of adequate financial support, and the Americans appear to be more willing to take a chance on a student than are our people.

Mr. Beasley: We do require adequate financial support.

Mr. Thompson: There are a number of institutions which feel that they have lost some good students. It may be we are too severe in this regard.

On another point, I believe we were all very disturbed about the statement made by the attorney general of Jamaica when he spoke before a parliamentary conference a few weeks ago and severely criticized our immigration policy as being discriminatory. Is there much of this getting back to you, Mr. Minister, from the emerging areas of the world? Is it something with political overtones in a local setting?

Mr. MacEachen: There is a question on the order paper relating to the same personage. My understanding was that he was referring to a situation which had prevailed ten or eleven years ago and that he did subsequently correct his statement to make it clear he was referring to that situation. Maybe Mr. Curry could fill in the details but it seems to me that our policy under the new regulations which have been adopted is totally non-discriminatory and that it is universal in application without regard to race, colour or creed of any kind. With respect to the West Indies I think we have given a foundation to our bona fides by opening two offices there. The movement of immigrants from the West Indies under the new regulations has shown a significant increase as compared with any previous time.

Mr. Thompson: I am not contradicting the minister's statement. Nevertheless, this was a vindictive thing carried by every newspaper in Canada—

Mr. MacEachen: I was very disturbed by it.

Mr. Brewin: Might I ask a supplementary question?

The Chairman: I believe Mr. Thompson is in the midst of asking his questions.

Mr. Brewin: It is just a supplementary on this point. Is not the complaint—and does it not have some substance to it—that our policy is one of open arms to those who are skilled, but of refusal to those who are not skilled, and therefore some countries like Jamaica feel they are losing their skilled people to Canada while their unskilled men cannot get in? This is not discrimination in the old sense but it does represent a serious problem for these developing countries.

Mr. MacEachen: I think it is a different level of comment.

Mr. Brewin: Isn't that what he was talking about?

Mr. Thompson: That is not the way it was carried in the press.

Mr. MacEachen: It did not come through that way.

Mr. Benjamin: I was at the conference and heard the speech referred to. Incidentally, the previous speaker had made an even more slanderous statement, but it did not get much press coverage. My impression was that his complaint was mainly because we were very quick in allowing experts in various fields to immigrate, while the ordinary citizen found either that he could not do so or that his case was subject to long delays. This was the tenor of the complaint. I know the press stories sounded much worse.

Mr. MacEachen: As I say, there is a question on the order paper of the House of Commons, the reply to which will put the situation in the West Indies in perspective in terms of policy. It is true we are relating the intake of immigrants to the requirements of our economy. That is reflected, of course, in the selection. But this is a universal system; it does not apply with any greater weight in the West Indies than it does in Europe or elsewhere.

Mr. Thompson: Part of my question was: Did you get much reaction from different parts of the world?

Mr. MacEachen: As a matter of fact, this is the first instance of which I have become aware. The direct answer is, no.

Mr. Alexander: Could I ask another question, and perhaps reach some conclusion on the matter. Am I to take it, in view of the statement that has been made, that the ratio of coloured people, as against whites, should increase to some significant point in the future?

Mr. MacEachen: I am not saying that. I was asked, I think, to provide information about the number of blacks who came from the West Indies. I have no way of knowing that. The department does not keep a record of this. We can only infer that the proportions between the numbers will change.

Mr. Alexander: That is all I want to know.

Mr. MacEachen: But we do not obtain statistics.

Mr. Alexander: I think it is obvious the proportions will change. I think events will show that in future more coloured people will be admitted to this country than have been allowed in in past years.

Mr. MacEachen: I think that is right, and and without question. Yes.

Mr. Roy (Timmins): I wonder if Mr. Curry could inform us of the degrees of relationship necessary to be a sponsored immigrant.

Mr. Curry: Perhaps Mr. Beasley could answer it.

Mr. Beasley: You are talking about a sponsor?

Mr. Roy (Timmins): Yes.

Mr. Beasley: It may be the husband or wife of that person, the male fiancé or female fiancée of that person; any unmarried son or daughter under 21 years of age; the father, mother, grandfather or grandmother 60 years of age or over, or under 60 years of age if incapable of gainful employment or widowed, and any accompanying immediate family of that father, mother, grandfather or grandmother; any brother, sister, nephew, niece, grandson or granddaughter of that person who is an orphan and under 18 years of age;

any adopted son or daughter who was adopted under the age of 18 years, who is under 21 years of age and unmarried; any child under age of 13 years whom that person intends to adopt and who is an orphan, or an abandoned child whose parentage cannot be determined, or a child born out of wedlock who has been placed with a welfare authority for adoption, or a child whose parents are separated with little or no prospect of reconciliation and who has been placed with a welfare authority for adoption.

The last proviso says, where there are no immediate and close relatives, a person may sponsor someone from among his next closest relatives on a one-shot basis.

Mr. Murphy: May I direct a question to the minister. It was obvious during the last meeting of this committee that, from answers given by Miss Scott, the chairman of the Immigration Appeal Board, two things are happening in that board. First, they entertain motions for re-hearing of appeals where a matter has previously been determined by the board. If a motion is granted the new hearing may be conducted before the very people who dismissed the original hearing, as it were. In other words, it is not impossible for members of the board or court, as she referred to it, to sit as judges of appeal on their own decisions. Do you feel that that is a proper function of that board? Could changes to legislation be introduced to make sure that the board hearing the initial application does not preside over the re-hearing.

Mr. MacEachen: This is a new point to me, Mr. Murphy, and I have given no thought to it. Presumably present procedure is authorized by legislation and any change to provide for an appeal before a different panel would involve legislation. I do not see why the board could not organize itself so that a different group hears the second application.

Mr. Brewin: May I answer, Mr. Chairman, because I have appeared before the board on a number of occasions. A re-hearing is not an appeal. A re-hearing is granted sometimes when, for some reason or other, facts were not brought out in the original hearing. I know a case where someone who was to appear before the board was married. There was a misunderstanding, the person did not receive notice of the hearing and the appeal was dismissed. In that case there was an application for a re-hearing. The matter came up before the original board. They were hear-

ing the same case but hearing it over again in a new way. The board takes into account fresh knowledge it may receive and new evidence.

You cannot get a re-hearing just because you do not like what the board did originally, as you could if it were a court and you were appealing. You have the right only to present new evidence to the board, if it is a proper case. I do not know whether that answers Mr. Murphy's question.

Mr. Murphy: I must say that from my impression Miss Scott explained it differently. From her explanation I understood that a matter came up before the board by way of appeal. If, basically, there is a re-hearing because of new evidence, my objection has no foundation.

Mr. Roy (Timmins): But does not the original objection still apply? Cases still are heard and the board sits in judgment on its own decision. It may be partial, impartial or prejudiced. That is the point.

Mr. Murphy: My second point is that under section 15 of the act the board has a right to grant appeals, strictly on an equitable basis on discretionary matters only. In other words, an applicant cannot qualify. He may quite properly have been ordered to be deported, but because of overriding circumstances the board has discretionary power to quash the deportation order. That is the type of order I am referring to.

I understand that in those cases the board does not follow precedent. The reasons for allowing or disallowing an appeal on those grounds are not a matter of record for the public. If an individual whose appeal was disallowed wanted the reasons for that, I understood he could obtain them; but those reasons would not be available to anyone else. I did not think that was entirely proper. It is improper for those reasons not to be made a matter of record. Since the chairman of the board said that the board is a court—a court of record—the reasons which lead to appeal to be either allowed or disallowed should be made public. What is the minister's thinking on that?

Mr. MacEachen: I understood you had made some headway in convincing the chairman of the board that this ought to be done. I thought you had been exercising your powers of persuasion—at least that is my report. But I shall follow this up.

Mr. Murphy: May I ask another question specifically about nominated relatives. I heard the list which was read out. In some ways I shall be involved with a case where a grandnephew is involved. I take it the rules are so rigid that a grandnephew cannot qualify as a nephew, even though employment is provided for him and he has all kinds of points. But, as a nominated relative, I take it he cannot qualify.

Mr. Beasley: The list does not go beyond "nephew".

Mr. Murphy: You have grandsons and granddaughters, but not grandnephews.

Mr. Beasley: It stops at a certain point.

Mr. Curry: There was an argument some time ago to include first cousins, but for some reason they were not included.

Mr. Thompson: May I ask a supplementary question. Would Mr. Beasley please read the list of immigrants who may be nominated.

Mr. Beasley: I have a shorter list here; can I read from that?

Mr. Thompson: Go ahead.

Mr. Beasley: It may be any son or daughter of that person 21 years of age or over; any married son or daughter under 21 years old; any brother or sister, the father, mother, grandfather or grandmother of that person under 60 years of age and any nephew, niece, uncle, aunt, grandson or granddaughter.

Mr. Serré: I should like to know from what countries we have accepted most immigrants in the last five to ten years? From what country at the present time are we encouraging the most immigration?

Mr. Curry: The country from which the greatest number of immigrants have been accepted in the last five years is Great Britain.

Would you mind repeating the second part of your question?

Mr. Serré: At the present time in which countries are we most active in encouraging immigrants to this country?

Mr. Curry: If by encouraging you mean active promotion by advertising, stories and things like that, it is safe to say that at present those activities are divided fairly well between Britain and France. We must remember that we have complete licence to

hunt in Britain but we are under some restraint in France, put on by the French government.

Our endeavour is to obtain a complete balance among countries where we are permitted in all conscience to promote emigration. As I said the other day, we do no promoting as such in the so-called developing countries since we feel we could not do that in all conscience.

Mr. Serré: In what countries, other than Great Britain and France, is emigration to this country being promoted at present?

Mr. Curry: By advertising and so on?

Mr. Serré: Yes.

Mr. Curry: Very little, if any. There is some, to a limited degree in Belgium and there is some in West Germany. There is no promotion at all in Scandinavian countries. From time to time for special types of tradesmen we try in Italy by arrangement with the Italian government each time. There is not too much, really. We do some promoting in the United States, and there we are not restrained. But we do not do a great deal of it since it would be very costly to advertise in any meaningful way in the United States. We are doing some promotional work through our five offices in the United States.

I think that pretty nearly covers all places where we are actually spending money in active promotion.

Mr. Cafik: I hope my question has not been put previously. I am serving on this committee for today only and some thoughts have occurred to me. I have been looking over sections 31, 32 and 33 of the revised act and a question with respect to independent applicants has occurred to me. I am talking about one who does not qualify as a sponsored dependent or nominated relative but who, because his sponsor is willing to give him employment here, would be able to establish himself without becoming a burden on the country. Are any points granted on such basis? Here you may have an applicant who may have relatives in Canada and who is assured of employment, but no consideration is given to him on the basis of the fact that he has a cousin here. He comes as an independent emigrant.

What degree of relationship is considered a relative in Canada? If I could just go to schedule A of this paper in front of me, which talks about units of assessment, the

word used is "relative". That gave rise to the question in the first instance, and I did get the impression that this is not quite proper. It says an applicant may be admitted if he has a relative in Canada willing to assist him in becoming established and who is eligible to sponsor or nominate him. My interpretation of that is that according to sections 31, 32, and 33 such a person is not eligible to sponsor or nominate an applicant.

Mr. Beasley: That is correct. Unless he is careful to sponsor or nominate, he gets no points under schedule A (h), which refers to a relative in Canada. He does get points for arranged employment if in fact his cousin has arranged employment.

Mr. Cafik: But he gets no points for having a relative?

Mr. Beasley: Not for having a cousin. He must be a relative within the degree defined as "sponsored" or "nominated"

Mr. Cafik: Thank you. That is all.

The Chairman: Are there any further questions? Mr. Brewin.

Mr. Brewin: Mr. Chairman, I have one or two more I should like to ask. One matter that I would call to the attention of the minister is that for many years the practice has been to include in the grounds for making a deportation order the fact that the immigrant or the would-be applicant does not have a medical certificate. This is a ground that is put forward regularly in deportation orders.

The practice in the city of Toronto—I think it is the same everywhere else—is that when an applicant queries this he is told that he cannot have a hearing or appear before a medical officer, who after all is the only person who can supply him with a medical certificate, until his qualifications are assessed.

This may be something of a paper matter but I suggest it is quite wrong. Perhaps the minister will comment on this because people are being solemnly deported on the ground, among others, that they do not have a medical certificate. Yet these people are usually in perfectly good health. Nobody suggests the contrary. Yet the department refuses them an opportunity to be interviewed by the only persons qualified to issue a medical certificate, persons who are within the control of the immigration department.

I know this is an old matter but surely it is a practice that should be eliminated. I am not

going to say anything more about it; I just hope we do not see it any more.

Another matter that has been raised in the past, and which I suggest should be looked into, is the form letter that is sent out after a person is assessed. I must compliment the department on the fact that this form letter is much more politely and kindly worded than it was in the old days; it is at least not insulting in its terms. It just says that the person in question has failed to meet the norms of assessment, or words to that effect.

Mr. Thompson: Is that the letter I referred to?

Mr. Brewin: No. This is the form letter that is used in hundreds of thousands of cases of interviews. I have never been able to find out why, when requested, the result of the examination is not disclosed at once.

The present practice is to send it to them when they ask for an inquiry and are finally given a date for such a special inquiry. But if they ask for it, why should it not be supplied as a matter of course?

I raise this question because it is very hard for those advising would-be applicants to know whether they fall far short of the line, and the kindest thing to do would be to suggest that they go back and not go to the trouble and expense of having an inquiry; or whether in fact they are on the borderline and the correction of certain misunderstandings, without going to the expense and trouble of holding a special inquiry, would satisfy the department, on re-examining the matter, that the applicant should be admitted.

In other words, will consideration be given to furnishing the results of assessments made by officers when these are requested?

Mr. MacEachen: I will be happy to discuss this matter and consider it. You are lucky, Mr. Brewin, that I am still in a state of open-mindedness in this department! Perhaps next year my mind will be closed.

Mr. Brewin: I might say that your predecessor also discussed this at length and he professed an open mind too.

The next point I want to raise is this. I have had a number of cases—and I think there may be others—where the rights of the natural father of a child born out of wedlock are not recognized. Such a person is not given the right to sponsor his child. The act refers to a son as defined, which is the legitimate son.

I have had cases where people have lived together because they cannot afford a marriage licence, or whatever it is they require. In these cases the father acknowledges responsibility for his children, and educates them and brings them up. He then comes to this country as an immigrant and applies to bring his children into Canada, which after all is his duty. But he is told: "Oh no; you may be the natural father but you don't come under our regulations".

Has this matter been considered by the department?

Mr. Thompson: The question is: How do you prove that he is the father?

Mr. MacEachen: That is the point. I had a similar case. I went through the whole thing and asked myself the same questions that you have asked yourself. It is a case of a putative father being anxious to bring into Canada his alleged child. The obstacle to it has been that he did not come within the regulations. I have inquired, but the basis for this policy is that it is difficult to be sure, and that is all.

Mr. Thompson: May I ask a supplementary question?

Mr. MacEachen: This is a good point and I do want to look at it again.

Mr. Brewin: I think Mr. Thompson wants to ask a supplementary but my suggestion is that if he has supported his child throughout most of its life then this is a pretty good indication that he does have that relationship.

Mr. Thompson: Another question that I should like to ask is this. Does the department accept a blood test in order to verify parenthood?

Mr. MacEachen: I hope not.

Mr. Curry: That is a question in the medical field and I do not know the answer. I would strongly suspect that the answer is not.

Mr. Thompson: I would suggest that this be checked, because I believe certain weight is given to such tests.

Mr. MacEachen: I think we will look at this again.

Mr. Brewin: I have one more question. It concerns the situation that arises where a wife is fully qualified under the regulations for admission, has the right education and skill, and there is occupational demand, but is married to a man who supposedly, by virtue

of being her husband, is head of the family, but who is not qualified for admission or perhaps does not have sufficient points.

Is there any reason why such a wife should not be regarded as an independent applicant, allowed to qualify and to come to this country, and then, if the regulations permit, bring her husband into the country? Do we discriminate against wives in our policy? I happen to know that we have in some cases.

Mr. MacEachen: I am sure we do not discriminate against wives.

Mr. Brewin: Then I wonder whether I could direct this question to Mr. Beasley or Mr. Curry. The minister says he is sure that we do not.

Mr. MacEachen: What I said was that I am sure we do not discriminate against wives as wives.

Mr. Brewin: But if a wife is qualified for admission and her husband has a trade that does not qualify him, surely that is a form of discrimination.

Mr. MacEachen: Would you like to comment on that, Mr. Beasley—so long as you deny there is discrimination!

Mr. Beasley: I am not going to comment as to whether there is discrimination; all I can tell you is what the practice of the department is. The head of the family is the one who must qualify under the selection criteria. In our society normally the husband and father is expected to be head of the family. He is the one who in the long term is expected to provide for the family. On this basis it is the policy of the department—and if this is not actually spelled out in the regulations, it is the intent of the regulations—that the head of the family must qualify. As I say, this is normally the father or husband.

Mr. Brewin: Where is that spelled out? Did you say it was not spelled out?

Mr. Beasley: I said that as far as I know it is not, Mr. Brewin.

Mr. Brewin: So that if it is not spelled out in the regulations, it is something that is in the minds of the officials of the departments?

Mr. Curry: It is a matter of interpretation.

Mr. Brewin: Let us just suppose that I am a wife who is fully qualified to come to Canada. I apply for admission and I am told no, my husband is the head of the family, that

since he cannot qualify I cannot come in. You say this is not covered by the regulations.

I should like to ask the minister whether he would review this matter; and I ask him whether he does not think there is an element of discrimination here.

Mr. MacEachen: I agree with the first part, that I will review it, but my answer to the second part is no.

Mr. Brewin: That is all, thank you.

The Chairman: Mr. Skoreyko.

Mr. Skoreyko: Mr. Chairman, at the hearings last fall there was some suggestion that negotiations are under way in regard to the establishment of immigration offices in Poland. My understanding is that at that time the Geneva staff were looking after applicants from iron curtain countries.

What I should like to ask the minister is whether any progress has been made in these negotiations, and what is the possibility of such offices opening shortly, particularly in view of the Czechoslovakian invasion. Has that held back these negotiations in any way?

Mr. Curry: This is a very difficult matter to speak to or to assess. All I can say with propriety at the moment—because external affairs and other interests are involved here—is that we are continuously trying to develop added capacity for immigration purposes through our mission in Warsaw. I think that is all I can say.

Mr. Skoreyko: But there is no immigration office as such?

Mr. Curry: No, we have not to date set up an immigration office as such in Warsaw.

Mr. Skoreyko: So that any applications are still being processed by the other office?

Mr. Curry: Yes.

Mr. Skoreyko: I want to ask the minister how he feels about a particular case in Edmonton where a young Fijian student, a man from the Fiji Islands who is very capable and who attended the University of Alberta, ran out of money during the course of his studies and took a part-time job. Perhaps I am not so convincing as other members, but I did everything that I could to assure the department that he was an honourable young citizen and had been guaranteed employment by one of the large hardware firms in the city. They guaranteed him permanent employment.

The fact is that he did break a law by taking employment, and he was deported and nothing could save him. I do not know whether he has applied for readmission in the meantime. If he has I have not heard about it. I was wondering what justification there was on the part of the department in deporting this young Fijian when we allow fellows like that American, whatever his name is, to come to Canada, and his expressed purpose for coming here was to create chaos at Simon Fraser University. There does not seem to be any consistency if you allow such people to come in freely, and then because a young student dared to take part-time work he is evicted. I realize this is within the regulations.

Mr. MacEachen: Yes, within the regulations. It is one of the difficulties of administering a department of this kind that you must agree on regulations with respect to admissions, and apply them. The task is to get the fairest and most workable regulations. The department was operating within the policy in deporting this student because he had violated conditions of his entry to Canada and had taken employment as a student. I would think that the student regulations were good, or at least reasonable.

In the case of people who come in like the person you mentioned, Mr. Skoreyko, there have been various people who came into Canada to preach revolution or violence. We attempt to administer a policy somewhat as follows, that if a person is coming to Canada for a short visit, sponsored by a reputable organization, for the purpose of speaking, then we permit that person to come in, even though in normal circumstances he may not be permissible for permanent admission to Canada.

We base our policy on the view that in a case of this kind it is better to preserve the principle of free speech. If a person of this kind were coming to Canada for a short visit for the purpose of consorting with criminals, or if we were assured by authorities that actual public disorder would break out, then of course the person would not be allowed to enter. These are generally the guidelines under which the officers at border points operate. That is our policy. I received letters from people complaining about the admission of the person you mentioned because they feel that the admission of such persons is a threat to the order or security of Canada and is not in the public interest. Then there is the

other extreme, the view that all possible points of view should be allowed expression in Canada. We try to take both views into account in attempting to administer this policy, and I think so far it has been reasonably successful.

People come to Canada, make their statements, and the Canadian people assess them, and it may be better in the long run than to keep them out and have that vacuum in the public mind that we are censoring or prohibiting the expression of opinion. That is our policy in that case. I admit that any policy is open to criticism.

Mr. Skoreyko: Are you presently able to exercise ministerial discretion?

Mr. MacEachen: I suppose in very limited situations. Maybe they don't tell me my authority in the department. They carefully conceal the areas of discretion.

Mr. Thompson: But do you think it would be good, in view of what we generally accept as our mission on this earth, helping people in developing areas, to amend the regulations in such a way that students who come here and are in need of work, and can obtain work, should be given that advantage? I know of dozens of foreign students who had that privilege in years past. They were probably better for doing a little work on the side. They have now gone back to their own countries and are making a great contribution. Wouldn't it be fairly easy to allow that and help students complete their education?

Mr. MacEachen: You would propose that we allow students to come from other countries—

Mr. Thompson: I would say within certain limitations, to allow students who are here from other countries, who find it necessary to obtain work, to take that work, provided they can provide proof of need.

Mr. Skoreyko: Or alternately make application to work under certain circumstances. In my opinion it is wrong to have a hard and fast rule whereby a student may have to drop his education.

Mr. Beasley: I don't think it is a hard and fast rule. The regulations provide that a student shall not take employment without permission in writing from an immigration officer, and any immigration officer in the field has the authority to grant permission after

discussing the matter with his counterpart in manpower and he feels it is warranted.

Mr. Curry: Did the Fijian student go to the immigration people?

Mr. Skoreyko: Before he took the job?

Mr. Curry: Yes.

Mr. Skoreyko: I could not tell you that.

Mr. Curry: Because if he had done so the case would have been assessed on its merits.

Mr. Skoreyko: Here again it is a case of lack of communication. If his employer had known that this was a regulation he would have insisted on his making application.

Mr. Deakon: Mr. Chairman, notwithstanding the fact that I am not a member of this committee would you permit me to ask a couple of questions of the minister or his deputy?

The Chairman: Go ahead.

Mr. Deakon: Are there any set rules of procedure or of evidence provided for the special inquiry officers at their hearings? I ask this question because of numerous cases I have had where it appears to me special inquiry officers carried on inquiries on their own without any rules of evidence, and in many cases the person being interviewed were incriminating themselves.

Mr. Beasley: The law provides only that the S.I.O. may accept and consider any evidence which he considers credible. The normal rules of evidence as applicable to the courts are not binding on an S.I.O. However, he does not work without very specific guidelines and administrative instructions. These are internal instructions, administrative instructions, but they are quite specific as to how he will conduct an inquiry. They provide that the appellant is made aware of his right to counsel, that the officer will adjourn the inquiry in order that he may obtain counsel, and that he may get free counsel if it is available in the locality.

There are numerous other instructions of this nature to try to ensure that the inquiry is carried out in an proper and quasi-judicial manner, but in law the S.I.O. is entitled to accept any evidence which he considers credible.

Mr. Deakon: In many cases the person concerned and making application takes a friend with him, and this may be a person of another

nation. Even if he is told about these instructions this does not alleviate the situation, but if the person gets legal counsel to come down, that counsel objects to many of the questions asked and it becomes quite a circus.

I wish to ask another question, and it concerns something which may have been raised previously. In view of the fact that the majority of immigration appeal cases come from the province of Ontario, and most of them are from the city of Toronto, has consideration been given to setting up an immigration appeal board in the city of Toronto?

The Chairman: At our last hearing it was indicated that an experiment is being carried out in the city of Montreal. This experiment was initiated only six weeks ago and therefore it is not possible to judge its success. It was begun there because one of the vice-chairmen lives there, and that facilitated setting up the organization. It was indicated that it was hoped, eventually in due course, to provide this type of service on a rotating basis throughout the country.

Mr. Knowles (Norfolk-Haldimand): Are you finished, Mr. Chairman?

The Chairman: Please go ahead, Mr. Knowles. There is no one else on the list.

Mr. Skoreyko: I am not finished yet. I just allowed a supplementary.

The Chairman: That wasn't a supplementary but I will come back to you later.

Mr. Knowles (Norfolk-Haldimand): When a hearing is being held by a special inquiry officer has the local member of parliament a right to sit in on it as a spectator or observer? Does that go with the rights of a member? I, being new, came up against this matter. I raised the question yesterday when discussing the Immigration Appeal Board and they were not able to give me an answer. I was wondering if I did have that privilege. The special inquiry officer thought otherwise and I did not press the issue because I did not know.

Mr. Beasley: Mr. Knowles, I think the inquiry by law must be held separate and apart from the public and therefore spectators as such are not permitted. However, if a member of parliament were chosen by the appellant to act as his counsel he would be within his rights to do so. Counsel does not necessarily have to be a member of the bar.

He can be a member of parliament, a minister, a priest—anybody the appellant selects.

Mr. Knowles (Norfolk-Haldimand): The appellant already had his counsel and the act specifically states he is only entitled to counsel. I only wanted to sit in as an observer to see the procedures. While I did not raise any issue over it I was wondering whether in fact I did have that right.

Mr. Beasley: The act specifically says the inquiry should be held apart from the public.

Mr. Cafik: In terms of counsel, is the person allowed only one person as counsel?

Mr. Beasley: I do not know. Possibly if he can afford more. I do not know the answer to that.

Mr. Cafik: If this particular person wanted his member of parliament to be there and appointed him as counsel, but also appointed a lawyer as counsel, this would mean the member of parliament could attend?

Mr. Curry: He would have to act as counsel as well.

Mr. Skoreyko: One time I appeared before the appeal board with a lawyer in Edmonton and they did not throw me out. I was simply interested in the case.

The Chairman: Could we have an answer to Mr. Cafik's question, whether additional counsel would be permitted?

Mr. Curry: I think this is a highly original question. I think we would have to check our authorities on it.

Mr. Cafik: I see no reason why it should be limited to one counsel, and no reason why both persons put forward as counsel would both have to act. One could sit there and not say anything.

Mr. Beasley: On consideration I think I can answer this question more precisely. I know of at least one inquiry where the appellant had three counsel.

Mr. Cafik: So, a member of parliament could go as counsel and in effect attend?

The Chairman: The answer is that there could be more than one counsel regardless of the additional counsel's position in life.

Mr. Beasley: I suggest, Mr. Chairman, you could get into an absurd situation in which

the person would nominate as counsel three of his friends, including one or two members of parliament. It would seem to me in that case we would have to ask the question, is this a public hearing or not? It could readily become a public hearing.

Mr. Alexander: Has there been a definition of counsel given? When we are talking about counsel, are we talking about lawyers or anyone who can come in and hold his hand?

Mr. Beasley: Anyone whom the appellant selects, not necessarily a member of the bar.

Mr. Murphy: The more I hear about this, the more I am led to wonder if this hearing is designated as private for the protection of the individual.

Mr. Curry: It is for the protection of the applicant.

Mr. Murphy: Could consideration be given to changing the provision so that the applicant would have the option of deciding whether or not he wanted a private hearing?

Mr. Curry: At present the law says it shall not be public.

Mr. Murphy: Perhaps my question should be directed to the minister. Would the minister consider changing the legislation to give full force and effect to the real intent of the provision, that is satisfy the requirements of the applicant rather than the department?

Mr. MacEachen: We will consider this point when we are bringing forward our new law, by all means.

Mr. Skoreyko: I should like to say a word about political refugees, and I have a particular case in point. There is a student who is completing his Ph.D. this year or early in 1969 who, a year ago, was refused renewal of his passport by the country from which he came. He was ordered to return but refused. The department has allowed him to remain here until he gets his degree. What would happen in the case of an applicant such as that if he made application to remain in Canada? Would he qualify as a political refugee or would he again be put in the position where, because his term was completed, he would be deported?

I am not asking for a legal opinion. I am merely saying, in view of the fact the department has allowed him to complete his education, would he be forced to return to the country from which he came?

The Chairman: May I suggest to hon. members that if they desire to take up individual cases, they may talk with Mr. Curry afterwards and thus obtain greater satisfaction?

Mr. Curry: There is a short, general answer that could be given, but I am not sure it will satisfy Mr. Skoreyko. This person would be faced with the burden of establishing that he actually has a fear, not of prosecution but persecution, if he returned to his own country. I well remember that we had a whole spate of cases several years ago from a certain country than can be left nameless—it is not in Europe—and a number of graduate students in this country claimed they would like to be left here because they did not dare go home to the country from which they came. When we examined the situation closely, we found they simply wanted to escape a military call, a creditor or a wife or something of that sort. Certainly, there was no fear of general persecution on political grounds. We had a run of such cases.

Mr. Skoreyko: All right, I will accept that and I will argue later if I do not like the text. I have one final question I should like to ask Mr. Curry. What does the department consider to be proof of relationship in the total absence of documents? I think there was something said a few minutes ago about the acceptance or non-acceptance of blood tests. What possible way is there of linking relationships in the total absence of documents?

Mr. Curry: I think Mr. Beasley deals with admissibility, and he would be more helpful to you in this case.

Mr. Beasley: I cannot give you any short answer. When there is a lack of documentary evidence on relationship, then we must look at the entire circumstances and the story that was told when the original sponsor came to Canada. Whom did he describe as his relatives at that time? When a brother came to Canada, what was his family tree at that time? Is there any conflict or contradiction between the two stories? We can only look at the entire picture and arrive at a judgment. There is no other way. Refusal is not mandatory, and on the other hand the burden of proof is upon the immigrant.

Mr. Skoreyko: If there can be corroboration, it is acceptable.

The Chairman: Mr. Benjamin is next.

Mr. Benjamin: About six or eight weeks ago there was a group of people here from Biafra. I know they met with a number of members of parliament to discuss their problems. They stated at that time there were a number of students in Canada, that is exchange students, who were studying here who were members of the Ibo tribe in Biafra and who were now sort of high and dry. These students had come here under the auspices of the federal government of Nigeria, which they felt they could no longer recognize, or were no longer a part of that country. I recall it was stated that one student was no longer receiving any income and had to be taken over for the short term, at least, by the Department of External Affairs. Has the immigration department received a request for immigrant status for any such students?

Mr. Curry: We have, and you will be pleased to know they have been permitted to stay in Canada.

Mr. Benjamin: How many are there?

Mr. Curry: I don't know; would you know?

Mr. Beasley: Somewhere in the neighbourhood of 100.

Mr. Benjamin: Will they all be given immigrant status?

Mr. Beasley: I don't know. I suppose so, if they are qualified and most of them are graduate students.

Mr. Benjamin: There has been no problem in this respect, and their stay will be permitted?

Mr. Beasley: Well, at least until the situation clarifies itself.

The Chairman: Mr. Thompson is next.

Mr. Thompson: I have three policy questions I should like to ask. Since there are suggestions that a more powerful role be assigned to the Immigration Appeal Board, is the government considering introducing legislation that will expand the numbers on the board or remove the restriction on the numbers on the board?

Mr. MacEachen: I am considering that problem of increasing the number of members on the Immigration Appeal Board. I have not made any recommendation to the government as yet, but I have had conversations with the chairman of the board and the matter is under active consideration.

Mr. Thompson: What is the policy or attitude of the federal government regarding the establishment of a department of immigration by the province of Quebec? Is there a likelihood of conflict in this area or is there not very much difference between what is planned by Quebec and the offices actually operated by provinces like Ontario and British Columbia, that is provincial houses of commissions, in some countries?

Mr. MacEachen: Our attitude is favourable. We are not hostile at all to Quebec setting up an immigration department. We have not had any discussions yet, at least I have not, with the Quebec minister or any of his officials. I hope to be having discussions with them concerning how we can co-operate; we would like to co-operate in this field.

Mr. Thompson: In that sense, then, the fear that you hear expressed in some quarters, perhaps is a play on words or an interpretation of words rather than the establishment of something different from what other provinces have now?

Mr. MacEachen: It may very well be. I cannot give any evidence that there are road-blocks in the way until we have a chance to talk with the people in Quebec. I think we ought to be able to work out something that would be of general benefit; I hope so anyway.

Mr. Thompson: The third question is, do you find that this point rating system which is now in use might be producing an imbalance in our immigration pattern? Has it placed an emphasis on family relationships, perhaps not to the total disregard of more important factors such as education and skills are concerned as they relate to the needs of our economy?

Mr. MacEachen: No; I think my answer is that I do not believe the system is producing an imbalance. I think that in terms of what the intent is, the system was expected to take into account these humanitarian considerations and it has that effect.

Mr. Thompson: The deputy has already said today that the waiting period for normal immigration is comparatively long because of the pressures of sponsored family relationships.

Mr. MacEachen: This is in Hong Kong.

Mr. Thompson: I understood that it may apply to some other areas as well.

Mr. MacEachen: Even so, I think this is the real intent of the change in the regulations.

Mr. Thompson: My question relates more to the effect on our need for immigrants that fit the needs of the economy. Are we not passing over a lot of desirable immigrants whom we do not get because of the restriction, first of all of numbers and, secondly, the implication of the present point system as it relates to family?

Mr. MacEachen: I think as far as the economy is concerned, the selection system is producing the people that are in demand in Canada.

Mr. Thompson: In sufficient numbers?

Mr. MacEachen: Yes, I think so. We had a discussion in an earlier meeting about the fact that in the past year our total intake will be less than the year previous. We concluded that the principal reason was the operation of the selection system in reflecting the requirements of the Canadian labour market. Now, this is what the system was intended to do, and it was intended to increase the flow of immigrants as the Canadian economy had demands for certain groups of people.

Mr. Thompson: I hear and read complaints from people concerned with manpower and immigration studies, both on the academic and provincial level, that perhaps the emphasis upon the system of family relationship is denying to us an adequate number of immigrants with skills which are needed by the economy.

Mr. MacEachen: I doubt that. I am not sure that if the nominated sponsor clause were eliminated, family considerations would not be taken into account at all.

Mr. Thompson: I am not complaining about that. I am speaking about the emphasis on one perhaps to the detriment of the other.

Mr. MacEachen: I think the only way that could operate would be in staffing. There is nothing that operates now, at least to my knowledge, in the selection—

Mr. Thompson: Staffing is one of the important problems.

Mr. MacEachen: I think that is right. They operate independently, so that the flow of people who come on, so to speak, as independent applicants is not affected by our humanitarian interests.

Mr. Thompson: I asked a question the other day and was not satisfied with the answer.

Mr. MacEachen: Neither was I.

Mr. Thompson: But in the circumstances I was not complaining. In view of the austerity program in the United Kingdom there is apparently a tremendous flood of immigrants to South Africa, Australia and New Zealand, but there is not an appreciable number of applicants at our immigration offices in the United Kingdom. Is this because the bad word is out that jobs are not available to them, or is it because of the difficulty involved in the processing routine? What is the problem in this regard?

Mr. MacEachen: We immediately checked your point. This shows how responsive we are to your questions in the house. We went to the expense of calling the regional director in London to find out exactly what the situation was. We found there has been no rush of inquiries at the offices in the United Kingdom. Up to the end of October we received about 112,000 inquiries, as compared with about 135,000 last year. We think that aside from the reduction in our promotional efforts in the United Kingdom, about which we spoke earlier, this does reflect our counselling of prospective immigrants with regard to the situation in Canada. Have you anything to add, Mr. Curry?

Mr. Curry: I would only add, Mr. Minister, I hope again with tact, that the present move-

ment of British people under these conditions offers a grand opportunity for those who compete with us for immigrants in the British market to make quite a good deal out of the numbers who may be coming to them. The impression we get is that the position represented by certain other countries with regard to the British immigrant today is probably blown up a bit. They can get some very cheap advertising out of this effort, without spending a nickel, simply by putting in the papers stories about the rush of immigrants to their countries.

Mr. Thompson: It is also easy to emphasize our own shortcomings.

Mr. Curry: There are no shortcomings with regard to Britain, I would say, except that we have cut back on our promotional facilities.

Mr. Skoreyko: Are our officers advising certain people in Great Britain that there is no point coming to Canada because of the work situation?

Mr. Curry: Yes, in certain cases they advise them to wait a bit until the employment position in Canada improves. Surely this is a pretty responsible position to take.

The Chairman: Shall item 1 carry? Carried. Shall the revised main estimates for 1968-69 relating to the Immigration Appeal Board and to Manpower and Immigration be reported and recommended to the house? Agreed, I would thank the minister and the officials. This committee is adjourned.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

Copies and complete sets are available to the public by subscription to the Queen's Printer. Cost varies according to Committees.

Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,
The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

STANDING COMMITTEE

ON

**LABOUR, MANPOWER
AND IMMIGRATION**

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

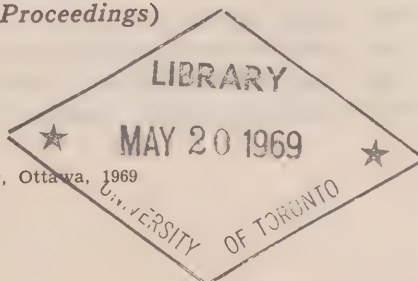
THURSDAY, MARCH 27, 1969

Main Estimates (1969-70) relating to the Unemployment
Insurance Commission

INCLUDING FOURTH REPORT TO THE HOUSE

WITNESSES:

(See Minutes of Proceedings)



The Queen's Printer, Ottawa, 1969

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman:

and Messrs.

Alexander,
Dumont,
Jerome,
Knowles (*Norfolk-
Haldimand*),
Knowles (*Winnipeg
North-Centre*),
Loiselle,

MacEwan,
McNulty,
Muir (*Cape Breton-
The Sydneys*),
Murphy,
Otto,
Orlikow,

Penner,
Paproski,
Prud'homme,
Roy (*Timmins*),
Serré,
Thompson (*Red Deer*),
Whiting-20.

D. E. Levesque,
Acting Clerk of the Committee.

¹Mr. Turner (*London East*) replaced Mr. Cafik on November 29, 1968.

²Mr. Weatherhead replaced Mr. Breau on November 29, 1968.

³Mr. Allmand replaced Mr. Lachance on December 2, 1968.

⁴Mr. Broadbent replaced Mr. Benjamin on December 2, 1968.

Pursuant to S.O.65(4)(b)

⁵Mr. Prud'homme replaced Mr. Allmand on January 16, 1969.

⁶Mr. Lachance replaced Mr. Turner (*London East*) on January 29, 1969.

⁷Mr. MacEwan replaced Mr. Skoreyko on March 6, 1969.

⁸Mr. Deakon replaced Mr. Weatherhead on March 26, 1969.

⁹Mr. Jerome replaced Mr. Lachance on March 26, 1969.

¹⁰Mr. Douglas (*Assiniboia*) replaced Mr. Deakon on March 26, 1969.

¹¹Mr. Penner replaced Mr. Douglas (*Assiniboia*) on March 26, 1969.

¹²Mr. Knowles (*Winnipeg North Centre*) replaced Mr. Brewin on March 27, 1969.

¹³Mr. Orlikow replaced Mr. Broadbent on March 27, 1969.

CORRIGENDUM

Issue No. 2, Thursday, October 24, 1968: page 13, left hand column, mid-page, the sentence of

“Mr. Knowles (Winnipeg North Centre): I have had a thousand similar cases of a railway worker who said that he was not available”

should read

“I have in mind the particular case of a railway worker who said that he was not available.”

ORDER OF REFERENCE

House of Commons
Friday, November 29, 1968.

Ordered,—That the names of Messrs. Turner (*London East*) and Weatherhead be substituted for those of Messrs. Cafik and Breau on the Standing Committee on Labour, Manpower and Immigration.

Monday, December 2, 1968

Ordered,—That the names of Messrs. Allmand and Broadbent be substituted for those of Messrs. Lachance and Benjamin on the Standing Committee on Labour, Manpower and Immigration.

Thursday, February 20, 1969.

Ordered,—That Votes 1 and 5 relating to the Department of Labour;
Vote 10 relating to the Unemployment Insurance Commission;
Votes 1, 5, 10, 15, 20, 25 and L115 relating to the Department of Manpower and Immigration; and
Vote 30 relating to the Immigration Appeal Board be referred to the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

Thursday, March 27, 1969

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

FOURTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following item listed in the Main Estimates 1969-70:

Vote 10, relating to the Unemployment Insurance Commission.

Your Committee commends it to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 8*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

MINUTES OF PROCEEDINGS

Thursday, March 27, 1969.

(9)

[Text]

The Standing Committee on Labour, Manpower and Immigration met this day at 9:40 a.m. The Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Alexander, Caccia, Dumont, Knowles (*Norfolk-Haldimand*), Knowles (*Winnipeg North Centre*), Jerome, Loiselle, MacEwan, McNulty, Murphy, Orlikow, Paproski, Penner, Prud'homme, Roy (*Timmins*), Serré, Whiting — (17).

Also present: Mr. Gordon Ritchie, M.P.

Appearing: The Honourable Bryce Mackasey, Minister of Labour.

Witnesses: From the Unemployment Insurance Commission: Mr. Jacques DesRoches, Chief Commissioner and Mr. G. Kieffer, Chief of Entitlement Determination Division.

The Chairman introduced the Minister and the officials of the Unemployment Insurance Commission.

The Minister made a statement and the Committee proceeded to the consideration of Vote 10 of the Main Estimates 1969-70, relating to the Unemployment Insurance Commission.

The Minister was questioned, assisted by Messrs. DesRoches and Kieffer.

After questioning Item 10, was carried.

The Chairman thanked the Minister and Mr. DesRoches.

At 12:00 o'clock noon the Committee adjourned to the call of the Chair.

D. E. Levesque,
Acting Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, March 27, 1969

● 0944

The Chairman: The meeting is called to order. The purpose of the meeting today is to study the estimates of Unemployment Insurance Commission for the following fiscal year.

Perhaps it might be desirable to start by introducing the members of the delegation from the Commission. First of all, you all know the Minister, Mr. Mackasey, who is in charge of the Department and to

● 0945

his right is Mr. DesRoches who is the Chief Commission of the Unemployment Insurance Commission. Seated next to him is Mr. Thomas Ward who is one of the Commissioners and Mr. Morris Hay. Then we have the Director of Programme Planning, Finance and Administration, Mr. Cousineau; Mr. Sachse, the Financial Management Advisor and the Chief, Entitlement Determination Division, Mr. Kieffer.

I do not think it is necessary to introduce these other people because they are well known to most of us. Therefore, without further delay, I will ask the Minister if he would like to start with his remarks. Mr. Mackasey.

Hon. Bryce Mackasey (Minister of Labour): Thank you, Mr. Chairman. It has been only five months since the last time we met and discussed the estimates and at that time I did promise a more comprehensive study of the Unemployment Service Commission's estimates. Rather than read you our statement, I thought I would like to say that perhaps there are eight areas that you people may be interested in investigating today with Mr. DesRoches. I have to leave at 10 o'clock for a Cabinet meeting and will leave my representation in the hands of my Parliamentary Secretary, Mr. McNulty.

There are facts and figures, gentlemen, that you no doubt, will want to know. Mr. DesRoches may want to discuss some of the recommendations of the Glassco Report and how we have applied the recommendations of the Glassco Report to the operation of the Unemployment Insurance Commission and the statement probably contains the broad objectives of the Unemployment Insurance Commission upon which

the budget was prepared in order to carry out these objectives.

Another area, I think, that might be of interest for questioning would be the system now employed by the Unemployment Insurance Commission not only to implement the recommendations of the Glassco report, as I mentioned, but other independent studies that were made by outside experts on the operation of the Unemployment Insurance Commission, particularly on how it could increase its efficiency.

Of course, there are the actual estimates and, I am sure from an analysis of the letters that you people have written, there must be great interest in the policy of closing particular regional offices; why it is being done; the general effect it will have on the Canadian public and the lay-off policy of the Department which, I think, is important because I have a strong belief that any disruption of the labour force should be as minimal as possible which is pretty well in line with the philosophy of Freedman which all parties have supported. If there are complaints about the way we have handled our correspondence with the members we would like to know about it.

In other words, Mr. Chairman, I think this should be a full and comprehensive study of the Unemployment Insurance Commission. We should not restrict it to the barest facts and figures—the bare figures can be very sterile. I think it will provide a good opportunity for us—for the Minister and the Unemployment Insurance people—to worm from you people what, if any, are your general observations so that we can improve the functioning of the Commission in the future. I think you should know what we have in mind in the way of retrenchment and of increasing efficiency. You may want to inquire about the motivation in transferring the Ontario Regional Office from Toronto to Belleville; you may want to

● 0950

know about the reducing of staff in particular localities; you may want to get into what we consider to be abuses. We get complaints, for instance, of trawlers that are tied up because of a lack of crew while we have hundreds of people on unemployment who normally should be accepting these jobs and we are investigating these areas. Therefore, I think you can have a very full and comprehensive meeting.

Now, in order to expedite the proceedings, Mr. DesRoches has prepared several sheets—you might flip a few sheets to get a general idea of what they contain before we study them, sheet by sheet. However, I think it will give you a more visual representation and perhaps make the deliberations more meaningful if, before the questions, Mr. DesRoches could be permitted to run through the sheets or, Mr. Chairman, if you prefer, Mr. DesRoches could, use the information on the sheets to answer particular questions.

The Chairman: As soon as you have completed your remarks, we will take the consensus of the committee.

Mr. Mackasey: That is all I have to say, I think I would much prefer to answer questions.

The Chairman: Is it the wish of this Committee that Mr. DesRoches be permitted to continue with his presentation?

Some hon. Members: Agreed.

The Chairman: Thank you. Mr. DesRoches.

Mr. Jacques DesRoches (Chief Commissioner, Unemployment Insurance Commission): Thank you, Mr. Chairman. These are general facts regarding the operations of the Commission which will give you an appreciation of the size and scope of our operations and some of the problems that we face in its operation. I have presented on this first page some measure of the size of the operations and, as you know, the labour force at this particular time is about 7.9 million of which approximately 900,000 are either employers or unpaid family workers—this figure may be 1 million or somewhere around there—so we have about 7 million paid workers in Canada and of this the program covers 5.4 million since the most recent amendment by Parliament.

The number of employers that we service, since we do collect our own contribution, is 470,000. In a year we receive approximately 2 million claims—this would be in a normal year—which would be new, revised or renewed claims, and the number of benefit cheques which are issued by the Commission in a year approximate 9 million. This will give you a general picture of what the Commission does during the year.

I am sure some of you are interested in the state of the fund. This sheet gives you the figures for two fiscal years, this is the current fiscal year until February 29 in million of dollars; these are the revenues and, the expenditures and this is the balance of the fund at the end of the fiscal year and at the end of the present period, which is February 28. The amount

will be slightly lower than this at the end of the fiscal year.

Mr. Mackasey: I notice that some members, quite properly, want to copy these figures, Mr. DesRoches, so could you make sure that you do not flip the pages until everybody has had a chance.

Mr. Paproski: Yes, that will be fine.

Mr. Roy: Mr. Chairman, could these figures be reproduced and distributed to the Commission at a later date?

Mr. Mackasey: Well, it is being recorded now, I believe, and it will be printed. However, if it is the will and pleasure of the Committee we will have these mimeographed and distributed after the meeting.

Mr. McNulty: Why not put them in the record?

Mr. Mackasey: They are going in the record now.

Mr. McNulty: I mean in tabular form.

Mr. Mackasey: Yes, okay.

Mr. DesRoches: Yes, it was just a matter of time. We had to get these ready fairly quickly. We can easily do that.

Mr. Mackasey: We did not know if you would accept this procedure or not.

● 0955

Mr. DesRoches: This gives you a further breakdown of the claims processed stated in hundreds of thousands for fiscal years, for a period and for certain months, so this gives you a comparison either for years or for months. You can see that in January and February 1969, the volume was slightly down from last year, therefore, currently we are operating on a smaller volume. Of course, this is not a full fiscal year, but the number for the fiscal year will be approximately the same as last year, perhaps lower, because the numbers are getting lower here in January and February.

This chart depicts the number of active claimants as opposed to the number of claims. These are the people who are actually drawing benefits at any one time—who are on claim for a long period of time. I have jotted down here the duration which I will mention later. This gives you a contrast of the variation in volume of work between the summer and the fall, for example, where it is very low at 210,000 to 246,000, but rises to 659,000. These are the volumes

that we have currently on claims or we had in February.

We have a problem of adjusting our volume of work, of course, between September and February of each year and this volume will stay with us until about May when it will start to fall down again.

There is a point which quite often is not too well understood. People really do not capture the idea or appreciate that the average duration of claims—a regular claim—is 12 weeks. In other words, people do not stay on this program for the rest of their lives or indefinitely, as sometimes is the impression, in spite of the fact that on the average they could have stayed 32 weeks on the basis of their contributions, but on the average they stayed 12 weeks. On the seasonal portion they could have established 13 weeks, but they stayed 10. Of course, this does not represent the same people, but obviously some people could stay on benefits for 20 or 22 weeks if they had the two back-to-back.

This chart is a comparison between Canada and the United States. I know it is difficult to make comparisons between the two countries because the plans vary considerably, since in the United States they are state plans and each state has a different plan. However, this will give you a picture for three years—the American information is in calendar years—of the number of people who put in a claim and the number of people who do not make it because they do not have the contributions. As you can see, we have a lower percentage of people who do not make the entrance level than in the States. There are reasons for this, but I will not go into them because I would be making remarks about the American plans which I do not think would be proper. In fact, we disqualify fewer than the Americans and the trend is going down. It also shows that roughly 10 per cent of the people could be unhappy from the start.

Now, during the life of the claim—once the claim has been established—there are further disqualifications that enter the picture in administering the law. These disqualifications could be for earnings; they could be for unavailability and for many other reasons. So another 17 or 18 per cent have reasons to be discontented with our decisions during the life of claim. Basically we are dealing with a group of perhaps 2 million people of which 20 to 25 per cent have some reason to have had an adverse decision at some time during their stay with us. Is this clear?

One particular area where there is perhaps a great deal more discretion—we are asked more often about this particular area than the other disqualifications; for example, relating to earnings—deals with the question of availability, capability and refusal of work. I have done a comparison of Canada and the U.S. using the State of New York which, in terms of

volume, comes fairly close to us and again you can see that our rate of disqualification is much lower than the American pattern or the State of New York.

Mr. Mackasey: Jacques would you quote the figures for the gentlemen?

● 1000

Mr. DesRoches: The exact figures?

Mr. Mackasey: Yes, there are only a very few there.

Mr. DesRoches: For the years 1966-67 in Canada only 5.3 per cent were disqualified for availability, capability and refusal of work.

Mr. Knowles: It is 5.3 per cent of what?

Mr. DesRoches: Of the total claim, because this is during the life of the claim. I used the figure of 2 million earlier, so we will say there are roughly 2 million while in the United States out of a claim load of 10 million there were 7.6 per cent disqualified. In the State of New York, a claim load of 1,838,000 would be 12.4 per cent and the following year the pattern is roughly the same but a bit lower.

Mr. McNulty: Why New York?

Mr. DesRoches: Roughly because of the size, because they do not have the complexity and the width of the country and so on, so it is a rough comparison.

The appeal situation which arises out of the decisions we make—for instance let us take this year. We have 2 million claims adjudicated. We have imposed 424,000 disqualifications for one reason or another; 17,000 of these decisions were appealed and independent Boards of Referees made decisions in favour of the claimant in 1,716 cases. Of the balance, I presume let us say, the balance between these two figures, 78 people decided—there could have been more who decided but 78 people were allowed—to go to the umpire for a review of their case. Of these, the umpire ruled in 34 cases in favour of the claimant, so this gives you an idea of the protective mechanism built into the program.

[Interpretation]

Mr. Prud'homme: You mean to say that 34 out of 424,000 were successful . . .

Mr. DesRoches: We must think that there are 17,000 that did not accept our decision.

Mr. Prud'homme: I see.

Mr. DesRoches: 407,000 accepted our decision and said they were satisfied with our decision. 17,000 made a first instance appeal and 10 per cent won their case. Of the balance, i.e. about 15,000 or 16,000 78 had the right to appeal, and did so, because the president of the jury is entitled to allow or disallow an appeal. 34 of them were successful at this second level of appeal.

Mr. Prud'homme: Thank you.

[English]

Mr. DesRoches: This chart is to give you an idea of what was involved in the decision made some years ago—and I was not there—regarding the closing of offices. This varies a bit because we have partial offices that are open part-time, but of the 66 offices operating today, in 1964-65 they already handled 77 per cent of the business. The remaining 136 only did 30 per cent of the business. The reason was that these offices were basically structured to provide an employment service, selective service during the war and then the employment service, so after the separation this was the split of business we were concerned with in making a decision.

Even in those years 20 per cent of the claims were made by mail, so mail claims are nothing new and have been experimented on for 20 years. A further fact is that in the 18 larger cities we handle half of our claims. That was so in 1964 and 1965, and that is so today.

This chart depicts the change or the improvement, we believe, in service and this is done by giving you the percentages of claims that are ready for payment within two weeks and within three weeks which is the minimum time that the payment can be made. In other words, there is a waiting period and then the claimant has to submit a report covering his unemployment for two weeks, so within the third week is the earliest we can have the claims ready and paid to the claimant.

● 1005

In January 1968, we were hitting somewhere around 60 per cent in all our regions. This year we are hitting 75 to 80 per cent except in the pacific region where the winter conditions caused excessive lay-offs and some of our offices had twice the volume within certain weeks. I have figures here for March which show even further improvement. I used January because this is presumably the period when the service would be at its worst. Within the three weeks we were hitting 97 per cent across our region this year as opposed to 93 per cent last year. In other words, only 3 per cent of our claims this year and only 7 per cent of our claims last year were not

quite ready for one reason or another within the three weeks. Within four weeks the number is negligible. I think the number for March this year was something like 50 claims in a week right across Canada.

This last chart is to introduce us to the budget, I presume, by giving you some of the cost factors within our operation. These are the figures for the current fiscal year and these are our projected costs per claim, costs per warrant. Our cost per claim that is the total cost of processing a claim, is \$7.25. Our forecast for next year at the efficiency level we are planning is \$6.90. The cost per warrant, that is the cost per cheque that we issue, is 61 cents and we forecast 46 cents for next year. The cost per employer—these costs, of course, are higher because we have to have our trained auditors and the time required to do an audit is much longer—is \$16.89 and \$15.51. Our percentage of headquarters cost, that is the head office including certain services such as our index, which is the type of service we can only have at headquarters, runs at 15.69 per cent and 15.59 per cent. This, Mr. Chairman, is the end of this particular presentation.

Mr. Knowles (Winnipeg North Centre): Perhaps you could say a word further about line three. It is cost to the government for service to each employer.

Mr. DesRoches: This is the cost of collecting and auditing the collection. In other words, there is a total cost of collection of revenue or contributions and the audit function plus any servicing we might do to the employer. By and large, the employer does more work than we do in this case because he is the one who actually collects and he remits to us. Our main cost here is auditing his records to make sure that we get all the money.

[Interpretation]

This is in regard to the 460,000 employers. We have auditors throughout the country who check the accounts.

[English]

Mr. MacEwan: I have a few general questions Mr. Chairman, so perhaps someone else would like to continue questioning on this point.

Mr. Knowles (Norfolk-Halifax): Mr. Chairman, you may think this question would be better asked at another time, it has to do with collections and using stamps.

The Chairman: It is not in relation to the chart?

Mr. Knowles (Norfolk-Halifax): Only indirectly.

The Chairman: Then why do we not move into general questioning. Are there any more questions on the chart?

Mr. Alexander: Mr. DesRoches, the figures were fairly high with respect to appeals made, 17,221 decided by Boards of Referees. I am looking now at the figure for appeals allowed, around 1,700. Could you give me the difference between those two? One is a decision, does that mean they are allowed?

Mr. DesRoches: That should have been allowed favourably. In other words the appeal is an appeal against our decision so if the appeal is allowed that means a favourable decision has been granted in favour of the claimant as opposed to a decision to maintain our insurance officer's decision. In the other 16,000 cases the insurance officer's decision was maintained. In 10 per cent of the cases the claimant gained by going to the Board of Referees.

Mr. Alexander: I see what you mean now.

Mr. DesRoches: they were appeals allowed favourably, if you like.

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Mr. MacEwan: Only 78 appealed to the umpire here in Ottawa, Mr. DesRoches?

Mr. DesRoches: Or the umpire in Toronto. There are two umpires and they travel across the country. There are two reasons for this: first of all, some people do not appeal; second, some people are not allowed to appeal by the law. If the decision is unanimous at this level, then it requires special permission from the Chairman of the Board to move forward.

Mr. MacEwan: Where do these umpires travel?

Mr. DesRoches: They travel to cities they are required to sit in, but I think mainly the larger cities when they have cases. They will accumulate cases.

Mr. MacEwan: Is there an umpire in the Province of Nova Scotia?

Mr. DesRoches: These are two judges of the Exchequer Court.

Mr. MacEwan: Yes, I know that.

Mr. DesRoches: When they have cases in Halifax, they could go down to Halifax. We do not control their schedule.

Mr. MacEwan: Do they go down there?

Mr. DesRoches: Yes, I presume they do. They might decide these cases on the basis of the information they have; that is up to them. In other words if the umpire thinks the written record, which he obtains from us or from the claimant's written documentation, is adequate to make a decision that choice is up to him like any other judge, I presume.

Mr. MacEwan: But with only 78, I take it that most of them are decided right here in Ottawa then.

Mr. DesRoches: I would not say that because they do travel to hear evidence. It is an actual court where evidence is taken and people participate in a decision. I think most of the cases are heard.

Mr. MacEwan: Is it not correct that in quite a number of cases the claimant does not appear personally but puts in a written appeal and then the umpire makes his decision based on that written appeal?

Mr. G. Kieffer (Chief, Entitlement Determination Division, Unemployment Insurance Commission): If there is a request for a hearing the umpire has to have the hearing, but he can decide where the hearing should be held and quite often he has held hearings outside of Ottawa.

The Chairman: Mr. Orlikow, did you have a question in relation to the charts?

Mr. Loiselle: Mr. Chairman, may I ask a supplementary question?

The Chairman: Yes, I will put you down for a question in relation to the charts. Mr. Whiting?

Mr. Whiting: Mr. Chairman, how many Boards of Referees are there?

Mr. DesRoches: There are about 50 or 60 Boards of Referees and some cities have more than one Board. In other words, there are panels of members in large cities. For instance, in Toronto they might be sitting fairly continuously but with different members.

Mr. Whiting: Who is on the Board? Where do the people come from?

Mr. DesRoches: There is one representative of employed persons and one representative of the employers, whose appointments are recommended by the two commissioners here. The third member, the chairman, is appointed by the government.

Mr. Whiting: Thank you.

The Chairman: Mr. Serré?

Mr. Serré: If I understood correctly a while ago Mr. DesRoches mentioned that they had to wait until they had enough appeals in order to send the umpire down to hear cases. If the claimant has to wait three weeks or a month, could his cheque be retroactive to the date of his claim?

Mr. DesRoches: Oh, yes, if the decision is favourable to him it is retroactive to the time of the decision.

Mr. Serré: I see, thank you.

The Chairman: Mr. Loiselle?

[Interpretation]

Mr. Loiselle: I would like to ask some information. With regard to the claims that go to the Appeal Board, does the Department have no jurisdiction over decisions by that Board?

Mr. DesRoches: None. Neither at this level nor at the other level.

Mr. Loiselle: As soon as they have been handled by an officer of the Unemployment Insurance . . .

Mr. DesRoches: . . . the Unemployment Insurance Commission.

Mr. Loiselle: You do not have any decision to make, nor do you have any jurisdiction on the Appeal Board.

Mr. DesRoches: We must give evidence in order to provide information . . .

Mr. Loiselle: Fine.

Mr. DesRoches: But the decision is entirely in the hands of the Appeal Board jury.

[English]

The Chairman: Perhaps we should now move into general discussion on this.

Mr. Knowles (Winnipeg North Centre): I have a question related to one of the charts. You had a chart, Mr. DesRoches, on which you showed the length of time that claimants stayed on unemployment insurance as compared with the length of time they could stay. It seemed to me that this was a

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pretty effective reply to the notion that people get on unemployment insurance and live there, and a lit-

tle contrary to the general notions about fraud. You have not given us any statistics today on your anti-fraud campaign. Is it paying its way or is it costly?

Mr. DesRoches: I could give you that. You did ask questions on this in the House, and we did answer one question or the Minister answered the question at the time. It is paying its way and I can give you some figures. I think there are different ways of looking at it. Since we are only working on part of the year, in fact, just a few months,—excuse me but I will have to flip a few pages—it is a bit early to give you a total figure. Let us take the situation in terms of, let us say, yield on a dollar basis, yield for a dollar expended. For the year up to November 30 we were working on \$1.1 as a yield per dollar expended, and for the year up to February it was \$1.29. In other words, we are getting 29 cents more. To give some significance to this, in November the yield had gone up to \$1.41 and in December \$1.75 in that particular month.

Mr. Knowles (Winnipeg North Centre): This higher figure is the amount you are saving?

Mr. DesRoches: It is the amount of overpayment. Not the amount we are saving, but the amount of overpayment which is established according to the rules and regulations and so on, which have been established by the investigations. This comes about because we have tripled our investigations, let us say, in February of this year as opposed to last year. When I say investigations, we are carrying these now on premises and they are not really investigations with verification of the facts with the claimants. The amount of overpayment detected is larger, that is all. It also is above the factor of three from last year. The number of persons disqualified, of course, follows about the same ratio.

Mr. Knowles (Winnipeg North Centre): What is the percentage running at now? The percentage of . . .

Mr. DesRoches: Disqualifications?

Mr. Knowles: . . . claims disqualified because of . . .

Mr. DesRoches: This can be very misleading but I have a table on this which shows about 9 per cent. As opposed to the 18 per cent I showed you before, the claims, let us say, in January and February would run about 9 per cent. The reason for this is that people who are on claim during the winter are more likely to be bona fide claimants. You have to take it over the year to get the 18 per cent. Looking at it in any given month, I could deceive you by saying that it is 9 per cent right now as opposed to 18 per cent but only because it is that period of the year. From our own analysis in terms of comparing

it to the year, I would say that it is running at about 12 or 13 per cent in comparison to a yearly basis, which is more compared to the experience in most countries.

Mr. Orlikow: I have some questions relating to that chart.

The Chairman: May I just say, in all fairness to Mr. Orlikow and others who have indicated that they wish to ask questions, that rather than exclude the charts from our questions and debate this morning we will include the charts in order to have them before us as well as Item 10 on page 214. This way you will have the broadest possible scope for questioning. I have listed four names thus far of people who want to ask questions in general, which does not preclude us from asking questions in relation to the chart, so everyone can ask questions as he raises his hand. In this respect I have down, Mr. Orlikow, Mr. MacEwan, Mr. Knowles and Mr. Serré.

Mr. Orlikow: Mr. Chairman, the figures on this chart show that in 1969 the total number of unemployed is more, I would say substantially more, than in 1968. Mr. DesRoches, if that is so, and we have no reason to doubt that it is, why is it that the number of claims is lower in January and February of 1969 than in 1968?

Mr. DesRoches: As you can see, there is no particular relationship because here we are dealing with 600,000 and I think the unemployed according to the labour force runs about 400,000. So we are deal-

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ing with a slightly different population here. I think the reasons might well be quite different why one is going up and the other is going down. I assume, this is just an assumption, that the benefit control campaign has had some effect, although this cannot be proven. I think it is just because there may be different trends. In certain industries people put in a claim in anticipation. About 10 per cent of these claimants never draw benefits in any one year. I should not say out of the 600,000, but out of two million claims there are possibly 60,000 people who put in a claim and never draw benefits.

I should point out, Mr. Chairman, that all these figures are in DBS publications in one form or another. You will find in these publications when you look at the duration that possibly 60,000 people never draw one week and this is because they anticipate a layoff, put in their claim in advance and the layoff does not occur or something else does not develop. Perhaps they expect to be on short time so they put in a claim.

Mr. Orlikow: That really is no factor because if that is true and I accept your statement as being true, then it was true in 1967 and 1968 if it is true in 1969. It would seem to me the Commission should be interested in why the number of claims in 1969 is lower than in 1968 when the number of unemployed is higher.

Mr. DesRoches: The number of unemployed is not going up in all regions. I think if you look at labour force figures—I am not sure which ones you have looked at—by region you will find that they all did not go up in February. The figures here—unemployment rates—for example, between January and February in the Atlantic were 8.4 to 8.4; in Quebec they were 3.8 to 3.9, in Ontario they were 4.0 to 3.9 and in British Columbia they were 6.7 to 6.6. So they all did not go up, some of them came down—in British Columbia and in Ontario—which could be an explanation. I do not think there is any simple explanation, but I do not think unemployment is going up generally in all regions. These are the latest figures in the labour force, some are up and some are down.

Mr. Orlikow: Ontario is down.

Mr. DesRoches: If Ontario is down, obviously it will affect our load to a greater extent than if the prairies were down.

Mr. Orlikow: The total is up. If the total is up, you can slice the baloney anyway you want, but the total is still up. I assume if a person is unemployed for the minimum time under which he can claim unemployment insurance benefits, he is going to claim benefits. I accept your statement that a certain 10 per cent of those who apply for benefits never get them. That is fine, but if the number is up it seems to me there should be an increase in the number of claims and you show the reverse.

Mr. DesRoches: I just pointed out, Mr. Orlikow, that there is not necessarily any relationship. These are the number of people—active claimants—and if I go back to the initial claims you will find that these things vary from month to month. For example, there is a number that should be lower here because some people have exhausted their claims which has nothing to do with unemployment. There are so many factors involved and, as you know, there has been a Senate committee studying the difference in these two series...

Mr. Orlikow: Do you have any figures on the numbers who have exhausted their claims?

Mr. DesRoches: We do not have those for the short term. DBS does publish figures on a yearly

basis but it is very hard to get these figures until the claims have been exhausted. I do not think I have that particular information.

Mr. Orlikow: Do you keep any records on the number of exhausted claims?

Mr. DesRoches: DBS does most of our statistical work. We do not keep records of that type. There is a publication that comes out each month which is called *A Statistical Report on the Operation of the Unemployment Insurance Act*. Exhaustion rates are shown in here or in the annual report, but it is a very difficult problem which has been tackled by statisticians for years and there is no necessary relationship. In fact, one might wonder why we have more claimants than there are unemployed, but this is, again, part of the general problem in that there are two different definitions.

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Mr. Orlikow: That is all for now.

The Chairman: Thank you.

Mr. MacEwan: Mr. Chairman, I just have a few general questions. I will try not to be too long so someone else can ask questions also. Mr. DesRoches, have you taken on any extra employees to assist in this campaign, if you could call it that, to look into the matter of fraudulent claims and so on?

Mr. DesRoches: We have re-assigned people to that work, but we have not taken on additional people except, perhaps, in one region where we experimented with part-time employees, not too successfully. I think I have some figures here. I think it is something of the order of, let us say, 130. I do not seem to have the exact figures here now but I think we may have raised the staff from 180 to 260, as I recall, or something of this sort across Canada, but this was our own staff that we changed from one function to another function. I should explain here that benefit control involves more than one operation. It is very difficult for me to explain how we move people in this area. I can give you dollar figures which are related to what Mr. Knowles asked earlier.

Mr. MacEwan: Would you, please?

Mr. DesRoches: In 1968-69 which is the current fiscal year we had budgeted \$2,892,000; up to the end of February we had spent \$2,146,000 and for next year we have forecasted something around \$3 million, so the difference is not that great. Let us say it will be \$3,600,000 next year as opposed to \$2,900,000 for this year in the budgeted figures, but actually we have not come near our budgeted figure

for this year and we have been four months on this particular exercise.

Mr. MacEwan: Have you done some advertising in this regard, for instance, radio-wise? What does that cost?

Mr. DesRoches: I would not call this advertising, I think we have paid . . .

Mr. MacEwan: I do not know what you would call it, this little fellow running up and down and so on.

Mr. DesRoches: I can give you the cost on the TV clip.

Mr. MacEwan: Right.

Mr. DesRoches: It cost \$12,000.

Mr. MacEwan: How much?

Mr. DesRoches: It cost \$12,000. The radio tapes cost \$2,000 and the travelling expenses and press conferences we held in 10 cities cost about \$1,000, so all told, our budget for this campaign cost us \$15,000. We estimated that if we had not done this by advertising, it would have cost us \$300,000 while, in fact, we spent \$15,000 because we got free time from TV and radio stations.

Mr. MacEwan: What about newspapers? You advertised in them, too, I think.

Mr. DesRoches: No, we did not do any newspaper advertising.

Mr. MacEwan: You did not do any?

Mr. DesRoches: No, the new campaign was covered by the newspapers and from this we had, I think, something like 200 editorials which were free.

Mr. MacEwan: Yes, they are. Some are good and some are better. The Minister mentioned the matter of layoffs and so on and some time ago this problem came to my attention. I think it was in the Vancouver area. Could you give us a rough idea of what has taken place across the country as far as the layoff of UIC employees is concerned? How many have been laid off and so on?

Mr. DesRoches: There have been no layoffs. The situation simply is that as far back as last March when we had had the consultants with us for three months—I think we have a pretty good accounting system and we, therefore, know pretty well in advance what the impact of any change will be—they gave us an evaluation of what the impact of the changes would be and we estimated at the time that

this could affect 800 people or 800 redundancies within the organization. Actually we have not laid off people and we have planned all the way through

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to keep this to a minimum. I think we declared 109 people redundant at the end of February, 84 of whom are still on our redundant list. There will be no layoffs this month, but we review this situation from month to month. In Vancouver or in the Prairie-Pacific region, as far as I know, there will be no layoffs. The figure is down to zero.

Mr. Orlikow: Does it vary?

Mr. DesRoches: In the Prairies we are down considerably, Mr. Orlikow. We have none outside Winnipeg, and in Winnipeg we have reduced it from 29 in January—it was 42 originally—to 17 as of March 25. This would include 4 in the regional office and 13 in the area office.

Mr. MacEwan: You do try to re-employ them somewhere else?

Mr. DesRoches: It is not quite that; we do not employ other people, we create vacancies. We have tried to employ them somewhere else but I think the problem is ours, we have to solve it. Re-employment in other parts of the service, or outside, is not as fruitful as one might believe. In other words, we have done a lot of work in this area but it has not been too productive. The main reduction has been through our own effort in re-assigning people to different jobs.

Mr. MacEwan: I know of some instances, and perhaps other members do too, where it has seemed to me that during the last year the insurance officers have not shown the same flexibility and have stuck more to what I would call the "technicalities" when a claim is made. I know of an instance—this is just one instance—where a man made out a claim and he did not have any help. Perhaps there was no agent in that area or something. He made out the claim, and he was asked where he could take a job, where he was available, and how much he would take in pay, and so on. I have this one case right here. I do not think it is going to the umpire, I do not think I will suggest that.

Mr. DesRoches: You can send it to me, though.

Mr. MacEwan: Yes, I think I will.

Mr. DesRoches: You should.

Mr. MacEwan: This fellow said that he could work in a certain place, and would take so much pay, but he needed more to cover his board and so on, and

that is the way he made his claim out. The letter I got from the provincial member in Nova Scotia says that this man is available for work and he made the mistake of expressing an honest opinion when he first applied, which is just about the situation. He thought out loud, I think that is what happened here. He is available, indeed, he would like to get so much money but he would take any amount. Of course, he made the claim out and it went to the Board of Referees on March 15 and they disallowed it by unanimous decision. I wonder about cases such as this in an area where there is no agent to help. I know it is the man's fault probably, but I was just wondering if there was not some way that assistance could be given in cases like this.

Mr. DesRoches: I think we would have to situate ourselves where he is located because there are different ways of providing this advice. There are now all kinds of publications, of course, which explain things to the people. Over and above this, we have agents and in some localities we have itinerant service.

When he is asked these questions he can always change his mind. I am sure that having gone through two reviews now the decision, let us say, must have been fair. However, there is nothing to prevent him from changing his mind at this particular stage and saying "I am available under different conditions." It is unfortunate that initially he did not make that decision. I think in asking for board he is really asking for more than what he is entitled to as a wage rate. That is a fairly clear-cut case, I assume, to the insurance officers; is this correct?

Mr. MacEwan: He did change his mind but . . .

Mr. DesRoches: . . . it was too late by that time.

Mr. MacEwan: He said:

I would like to take this opportunity to ask for an appeal of this decision. My wage demands are written in such a manner that you think I am not available for work. I would like to state that I am available for work at any time. My wage demands are what I would like to get but I would settle for any work in the area. Since I am available for work, I would like to appeal your decision.

Mr. DesRoches: The way the law is worded once a decision is rendered it has to go through the process.

Mr. MacEwan: This case was in a part of Nova Scotia where these claims are made by mail. I

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brought that up last time because I think perhaps the Commission help a little bit more in such areas.

Mr. DesRoches: We are trying to. Will you let me know the specific area . . .

Mr. MacEwan: Yes, I will.

Mr. DesRoches: . . . the agent and even the specific case.

Mr. MacEwan: Fine, I think I will do that in a letter to you.

I have just one more question. Is this availability for work limited to a certain area within so many miles of an area? How is that decided?

Mr. DesRoches: I think I had better let Mr. Kieffer answer this. I do not think it is quite that way. I think it depends on the locality, it depends on the type of industry in the area, and the availability of jobs. I do not think you can just say so many miles. It depends on transportation, it depends on many factors. I think each case has to be looked at on its own. I do not know if we have any general rule of distance. It is a matter of adjudicating each case and if we set one limit for one city I am sure it would not fit for some other city.

Mr. MacEwan: No, but it is felt then to the discretion of the insurance officer?

Mr. DesRoches: Oh, indeed it is, yes. He has to know his area, that is why he is located there and he should know what the situation is in the area.

Mr. MacEwan: I do not mean anything derogatory but these officers are given courses and so on to qualify them in their work from time to time?

Mr. DesRoches: Yes, in fact, they have all been retrained. They were all retrained last fall because we had a change in the method of adjudication and all insurance officers were retrained right across Canada.

Mr. MacEwan: That is all, thank you, Mr. Chairman.

The Chairman: Thank you, Mr. MacEwan. Before calling on the next speaker, may I suggest members focus their attention on policies and on item 10, which does not, of course, preclude bringing up individual cases which can be related to general policy. Individual cases or individual complaints perhaps can be quite effectively dealt with by the Commission through a different channel and perhaps in a more productive manner. The next speaker is Mr. Knowles.

Mr. MacEwan: Mr. Chairman, on a point of order, I related my question to policy . . .

Mr. Chairman: You did. I fully agree that you were able to do that but sometimes this is the beginning of a trend and then I know how it develops. You relate it to the general policy . . .

Mr. MacEwan: I will pass.

Mr. Chairman: — that is why I put it that way.

Mr. Knowles (Norfolk — Haldimand): The area I would like to talk about is unemployment insurance for rural workers. I come from a rural area and am a farmer myself. As you know, in about the past three years unemployment insurance has been made available for farm workers. I have three or four things I would like to ask you about. First of all, I should say that my experience with our regional officers has been very excellent. They have been most co-operative in assisting me with complaints and I have no question nor comment about that except one of praise.

So much of the farm work is of a very seasonal nature, as you know, and in our particular area, and in many others, the suggestion has been made to your Commission, I think, from time to time that the exemption period for seasonal workers, which is presently 25 days, be extended to 40 days. We have a great many seasonal workers who come to work for us who do not want to be covered, and they are so insistent that when they find they must be covered they refuse to work and they go to somebody who will avoid the regulations, employ them and not deduct stamps. Is it possible to extend the exemption period to 40 days which would exempt in these seasonal workers, if they so wished.

Mr. DesRoches: I think, Mr. Knowles, that the exemption is already long enough. This is just an opinion that I am expressing here. First of all, it is the same as CPP and we have reviewed the situation on a number of occasions. I think with the growth season that we have if we went to 40 days we would be really leaving all agricultural workers out. Right now the impact of even the 25 days is to exclude a great number of employees. It has effectively cancelled out the inclusion of agricultural workers.

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Mr. Knowles (Norfolk-Haldimand): What about making it optional then? If the person wishes to be insured could this be done, but if he objects completely is there a form he could sign that would exempt him?

Mr. DesRoches: No, this is contrary to the concept of the plan. It is a compulsory plan and the only time we offer the option is in the case of short-term

employees, people who really work short hours and it is a very awkward procedure. I do not think there is any way we could exclude them because the procedure gets so awkward that you do not know who is in, who is out or who is responsible for what?

Mr. Knowles (Norfolk-Haldimand): I believe in the Canada Pension Plan—it is possible for them to sign a form saying that they would prefer to be exempt.

Mr. DesRoches: I am not sure about the Canada Pension Plan. I think they follow the same exemptions of earnings and time that we have.

Mr. Knowles (Norfolk-Haldimand): Yes, they do, that is right. We are very fortunate, or very happy, to have these made uniform. It would seem to me that it would not be discriminatory if you make it optional for these people to have a 40-day exemption if they wish. If they wish to be insured, I am sure no farm employer would object to paying unemployment insurance. But it is when they object so strenuously they will not work for you that is our problem.

Mr. DesRoches: This is a matter of policy that the government would have to decide. I have expressed my opinion, from the point of view of administration. It has effectively eliminated so many people that to extend it to 40 days would effectively cut out all workers.

Mr. Knowles (Norfolk-Haldimand): That is fine. It also seems to me that your Department is entering a new field in handling this seasonal unemployment. The work period is 25 to 40 days, as I have suggested, then there is a layoff because there is no more work available in the rural area. I hope your officers are taking this into consideration when assessing whether these workers are eligible for claims because in rural areas the distances are great and they are not able to find work. Therefore it seems to me that you will have to maybe take another look at the unavailability for work because of distance or transportation or whatever the criteria is. Is this being done?

Mr. DesRoches: I am sure we take this into account because we would not treat an agricultural worker in a rural area the same way as somebody living in an urban centre. This has to be taken into consideration.

Mr. Knowles (Norfolk-Haldimand): I hope you are doing this because it certainly is most difficult. They work perhaps on a neighbour's farm or a farm in the area and when the work is done there usually there is no more.

Mr. DesRoches: I cannot think of any complaints that I have heard of.

Mr. Knowles (Norfolk-Haldimand): I have had one or two, but after your officers took another look they saw that it was reasonable.

Another item bothering farm employers is that they are not permitted under the regulations to employ relatives. Would it not be reasonable to ask that dependent relatives be given the opportunity to become insurable under the plan. The way the present regulations now work the son who works for his father is not insurable so if he wants to be insured he has to leave his home operation and go and work for his neighbour which upsets the family farm proposition.

Mr. DesRoches: We are reviewing this situation, in fact, I think we have somebody who has just completed a study on this point. However, you know what the problem is, since these people control their own working conditions it is extremely difficult to define unemployment under these conditions. This is the reason they were excluded initially by regulation.

Mr. Knowles (Norfolk-Haldimand): There would be no problem about the fact that he was paid wages because the cheques are there. He has been paid as far as that goes.

Mr. DesRoches: This is difficult to control. I think it is the kind of question that we should review and we are reviewing, but I cannot give you an answer as to whether we would be prepared to do this or the government would.

Mr. Knowles (Norfolk-Haldimand): I am happy it is being considered at least, because you can understand, as I think I have explained, the hardship it works on the family farm unit.

I want to ask something about cost. Two items, Mr. Chairman, and then I will be finished. How much has been saved by the Commission through closing the many offices scattered throughout Ontario and centralizing them in what you call regional offices?

Mr. DesRoches: I can tell you for Ontario because the accounting people have given me an estimate. Going back three years, had we operated for the past three years at the level of efficiency projected in our budget for next year the saving would have been \$15 million over the three years. It involves that kind of saving. We know for a fact that we had a surplus last

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year and we are going to have a surplus again this year against our budget, a fairly substantial surplus.

In concrete terms, of course, the consolidation of offices and the changes we brought in this year have reduced our establishment, which used to be a measure of how you operated, by between 800 and 1,000 people. These are actually permanent positions we have reduced in the Commission over the last two or three years. I think the savings have been very substantial.

Mr. Knowles (Norfolk-Haldimand): I am wondering if this balances the satisfaction and the difficulties that are involved. My colleague just previously mentioned persons who are at a long distance and have to argue their claims by correspondence. In many cases it is most difficult for people to put their thoughts and opinions in writing.

Mr. DesRoches: I appreciate that and I do not think anyone has solved this problem of communication. We are doing what we can in this area and we are trying various approaches, agents, itinerant service, telephone and so on.

Mr. Knowles (Norfolk-Haldimand): Do you send people out to the areas?

Mr. DesRoches: Yes we do, and we have people visiting areas.

Mr. Knowles (Norfolk-Haldimand): This would help them because there was a lot of dissatisfaction when the office was taken out of the local town and moved to Hamilton, in my particular case.

Mr. DesRoches: Yes, I know there are some problems. I am not sure that I would accept the lot but anyway I think there are problems. Sometimes, of course, we equate problems with the number of letters and the analysis of the correspondence we have made would indicate, as I pointed out earlier, that some people are unhappy because the decisions are adverse. Of course, this is a different problem.

Mr. Knowles (Norfolk-Haldimand): I understand it is also difficult from the point of view of the employer in a rural area where there are so many employers in relation to the labour force. They have many problems understanding this. Of course I realize perhaps this will be solved as time goes on and they become familiar with techniques and procedures.

I have one last question concerning the way premiums are paid for unemployment insurance. The business of weekly stamps is a particular burden to a farm operator who himself is often a labourer and who finds it most difficult to keep his accounts week by week and to get his unemployment insurance stamps each week. Would it be possible to

make an assessment on the total wages paid to the individual employee at the end of the harvest season, for example, much the same as the Workmen's Compensation Board does; a single payment once a year.

Mr. DesRoches: I am not sure about the single payment once a year, but it is at the option of the farm operator in this case.

Mr. Knowles (Norfolk-Haldimand): It is a bulk payment.

Mr. DesRoches: Yes, a bulk payment. We are trying to encourage this practice and I have been told by auditors in the Prairie region that they have had no difficulties. In other words, farm operators now have the records to go on this kind of system. If they so desire, if we approve and they have the records there should be no difficulty. In other words if you know specific cases there should be no difficulty their coming into this system if they have the proper records which we can audit in a normal fashion. But they are not bound to the stamps. We refer, in fact we would like, to eliminate the stamp method within a period of years.

Mr. Knowles (Norfolk-Haldimand): Are you circulating the employers—

Mr. DesRoches: Yes, we are.

Mr. Knowles (Norfolk-Haldimand): —indicating this advantage?

Mr. DesRoches: Yes.

Mr. Knowles (Norfolk-Haldimand): Would this be a once a year payment?

Mr. DesRoches: No. I think it would have to be more frequent because there is no way of controlling it once a year. I think once a month would be the minimum.

Mr. Knowles (Norfolk-Haldimand): It would help if it could be at the end of the harvest season when the rush and the pressure of getting your crop harvested is over. This is the only income the farmer has and he has to harvest at a certain time. If the bulk payment, the percentage, could be made at the end of the year when the records are all there, the man's name and how much he received, that would certainly simplify it. I would appreciate it if you would give it consideration.

Mr. DesRoches: I think we are quite willing to accept the record when we need it, but we need the money. I think the payments would have to be over a period of time and the actual records could be kept in a different way. I think we could look into this.

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Mr. Knowles (Norfolk-Haldimand): You are familiar of course with the way the Workmen's Compensation Board collects their payments on an assessment?

Mr. DesRoches: Not entirely, no.

Mr. Knowles (Norfolk-Haldimand): There is simply a payment on a total wages paid.

Mr. DesRoches: We may get into this eventually.

Mr. Knowles (Norfolk-Haldimand): I hope you do.

The Chairman: Thank you, Mr. Knowles. Next is Mr. Serré followed by Mr. Alexander.

[Interpretation]

Mr. Serré: Mr. Chairman, I had a question regarding the problems caused by the closing of regional offices. Mr. Knowles has already asked questions in this respect and Mr. DesRoches answered them properly.

As a supplementary question, I would like to ask Mr. DesRoches on what criteria he bases himself in order to close a regional office? I know that there is often a lot of criticism. It is claimed that the regional office is often situated in an area that is not appropriate for the rural population, and that the office is located in a centre which has no common interest with the population with which it is dealing.

Therefore, I wonder if he could tell us whether those criteria are taken into consideration when an office is closed?

Mr. DesRoches: Well, there are two ways of looking at the problem. First, we can look at it as the closing of an office. The matter was designed rather as a consolidation or reorganization of the offices. I think that our starting point should be as follows: as a result of studies on the organization and the changes that took place when placement was separated from insurance, there occurred a restructuration of the organization, and out of this study, we had to take a decision for each area, each part of the country. We had to decide which would be the most appropriate area, given the distance from population centres, cost factors, and finally service factors. Formerly, we had offices for the local population as well as legal implementation offices, and auditing offices.

So we cannot just say that the problem is as simple as closing offices. There has been a regrouping of functions, a decentralization of our regional offices. For instance, the insurance decisions are now taken

in the local offices instead of being done in the regional offices. So therefore you can see that there have been changes of that nature, and it is within this framework that the service, distance, and population criteria were used.

The decisions were taken mostly in 1965-1966. The people concerned were informed, I believe in all cases, and from then onwards, we have had a series of closings to achieve this objective. So, when we talk of closings today, we are actually referring to the final step of a restructuration campaign that was started three years ago.

Sometimes, it is impossible at the end of that cycle to start from scratch again and to restructurize again. This would seem, to a certain degree, to be the problem in some centers. People tell us that we close an office. But this is only an aspect of a reorganization cycle that entails the closing of some offices.

In each case the Commission has carried out studies, and even up to the last moment new reassessments are made in each case, and if the service is not satisfactory, we are always ready to reintroduce the service asked for by the public.

Moreover, there is a difference between an office where you deal with paperwork and administrative work and another office that deals with the service asked for by the public. So we are trying to make the distinction and to reorganize our services in order to give the service asked for by the public while maintaining our administrative framework the way it had been designed.

Mr. Serré: Another question, Mr. Chairman. Could Mr. DesRoches tell us what efforts are presently

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being made in the field of educating the population regarding unemployment insurance regulations?

Mr. DesRoches: Well, a lot has been said about the drive against fraud. It is in fact, an educational drive. We have insisted on the fraud aspect because that might be the most striking aspect for the population, and to point out the exact nature of the program and what are the various duties that we have to fulfill by law. This drive is first of all educational, and this is why we went through a mass media to launch the drive, and then to issue and publish pamphlets and educational material which has been distributed along with the allowances throughout Canada. This is the second aspect.

The third aspect is that we have information agents in each area who supply the public with the necessary information as well as the local bodies such as unions or groupings of employers. Therefore you

have several other aspects to this question of information, as is the case with the agents, the itinerant services of other means of communication which we are trying to introduce. In some areas we have introduced the telephone service. We are constantly assessing the cost of this service because, while it may be the solution in some areas, in others it would be too expensive.

I do not know if that answers your question, but it covers more or less all the means of information I can think of right now.

[English]

Mr. Serré: Now to inform members, especially a new member like myself who is not aware of the regulations for unemployment insurance, would it be possible to get some kind of an information package or résumé from your department.

Mr. DesRoches: You were supposed to have one, I accidentally have samples of some of these publications but I think they are available and we will gladly send them out to you. You were supposed to have received a kit including some of these publications. We will gladly send another kit to all members of the Committee if this is so desired.

The Chairman: Please do. Thank you, Mr. Serré. Mr. Alexander, followed by Mr. Dumont.

Mr. Alexander: Thank you, Mr. Chairman. Mr. DesRoches, I just want to get into the area of the overpayment of claims. I wonder if you could tell us to what extent the Commission is affected by overpayment of claims. Have you any figures or any percentages?

Mr. DesRoches: We have estimates. I think in previous years the only figures we had were the amount of overpayments which we were actually able to establish. Now when we had the consultants conduct a study, we obtained from them on a sample basis an estimate of what the total overpayments might be and the figure which they produced, something like \$8.8 million, could be the extent of overpayments in dollars for a payment let us say of \$400 million a year. So we are talking about something in the area of two per cent. I would say this is not unusual. It is not a desirable situation but it is not unusual. I think the Americans, who have a similar plan, experience about the same extent of overpayments. Out of this we are targeting this year to establish \$3 million and hopefully \$5 million next year through our new program. However, we will never reduce this to zero for the simple reason that people send us a claim, we try to pay within three weeks and obviously we cannot verify all the statements made in a claim, so you pay in terms of loss what you gain in

terms of service, and you have to equate the two and figure out how much money you should spend to regain the amount you have lost.

Mr. Alexander: There is no possibility, of course, to recoup some of this money from the claimant during the period in which he is receiving benefits.

Mr. DesRoches: Oh, yes, we do.

Mr. Alexander: Yes. I believe you said it takes approximately three weeks to entertain or to process a claim. How soon thereafter would your department be aware of overpayment?

Mr. DesRoches: Under our new program we interview some people four weeks after they are on claims and in some cases ten weeks or fourteen weeks. It depends on the case. We obviously cannot see them all. So we have to start from that point of view, and all we can do is sample the claimants. We are now trying to have a better sampling technique which will give us the biggest return. The consultants

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have advised us to take certain groups in the population to be sampled and basically the minimum time is about four weeks. So between four and fourteen weeks now is where we pick people to be interviewed.

Mr. Alexander: In other words, it is impossible to review all claim payments in terms of attempting to ascertain whether there has been overpayment or not.

Mr. DesRoches: Not without delaying the claim, but we do a lot after the fact and then we establish overpayments when the payments are finished. Now that creates a problem of collection and we have that problem.

Mr. Alexander: Before we get into the collection aspect of it, is there any rule of thumb whereby you advise the claimant that he has been overpaid so much and you still have some moneys coming? Is there any rule of thumb as to what you are attempting to get from this particular claimant?

Mr. DesRoches: I think it depends on the circumstances. The law permits us to take it off his future benefits, of course we do that automatically.

Mr. Alexander: Yes, but to what extent as a minimum?

Mr. DesRoches: We do not have minimums because I think the conditions of the claimant have to be

taken into account. These people, rightly or wrongly, have put themselves in such a situation at a time when they are in a bad financial situation so it is quite difficult. I would say if we collect half or more we are doing well.

Mr. Alexander: Over a period of how long?

Mr. DesRoches: Over a period of a year or two years.

Mr. Alexander: With respect to those claimants who have been overpaid, I would imagine you then institute legal proceedings in order to collect the balance in the event there is no co-operation between the claimant and you.

Mr. DesRoches: If it is worthwhile. In other words, if this is likely to produce results or if it is going to tie up some assets which we could capitalize on or tie up some income the person may have. However if it is not going to do this, if the person obviously has no income nor assets, it is not worth taking legal proceedings. I think again it is a matter of judgment.

Mr. Alexander: It would appear that in most instances then because of the type of person we are working with there are not too many instances when you would be advised to institute legal proceedings?

Mr. DesRoches: I think I have some figures on this. I do not think I have figures on collection but I have our figures on overpayments which are a different matter.

Mr. Alexander: Yes.

Mr. DesRoches: We do garnishee wages. We have different ways. As I say, over-all it would be 50 per cent or that would be roughly a good take that we would expect from all these means. In other words, taking it off future benefits and collection.

Mr. Alexander: Another area the Minister indicated earlier that he had dealt with are the recommendations of the Glassco Report and their application. Could you give us any idea of what you have been doing in that regard?

Mr. DesRoches: Well, I think Glassco is more of a philosophy than actual precise things, at this stage in life. We have done a number of things. We have introduced, first of all, quite a fine system of accounting or financial control. I do not think it is just accounting. It is a system of financial control whereby the managers participate in the building up of the budget and in the process have to develop objectives. So we start out with our objectives at the Commission level and this is filtered to all levels of the organization and elaborated in more detail. These be-

come the basis for developing the budget, so it is more than just a financial system. It is more of a planning system where all our managers are involved in planning for the coming year in terms of the activities they are going to undertake. The result is the budget which you see in this book.

The other side of this operation is the management reporting system which complements the planning stage. This has been worked out to a very fine detail where we can tell, as I showed briefly on the board here, the cost per activity, compare them between regions and compare them between times. We are in a position to judge exactly how well we are doing,

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how well we are giving service and how efficient we are so that we can either improve or take corrective measures. Now I think this is one aspect of Glassco.

The other aspect, of course, is the personnel side where we are developing and applying personnel techniques which are well in accord with Glassco and perhaps ahead of other agencies. I could go on like this.

I think the fact that we have used the consultants and applied their recommendations is certainly in that same light.

Mr. Alexander: Yes, well that is fine. I just have one other question with respect to the Act itself. Is the Commission contemplating any significant changes in the Act as a result of the Gill Report?

Mr. DesRoches: We are studying this on behalf of the government. I think we should be in a position to discuss this with the Minister and the government in the near future. The decision is not ours, the decision is the government's. Our studies are nearing the point where we will be in a position to discuss this shortly.

Mr. Alexander: You will make certain recommendations fairly shortly?

Mr. DesRoches: Yes.

Mr. Alexander: That is fine, Mr. Chairman. Thank you very much Mr. DesRoches.

The Chairman: Mr. Dumont, followed by Mr. Roy.

[Interpretation]

Mr. Dumont: Mr. Chairman, my questions also deal with the centralization of the offices. I would like to know if the electronic computer installed in Quebec City for instance, has reduced the administrative

costs and how many persons have been laid off because of the installation of this computer?

Mr. DesRoches: First of all, the electronic computer is not operating yet. We think we will be able to use it at the beginning of the summer.

Mr. Dumont: In Quebec City?

Mr. DesRoches: In Quebec City I would like to explain the various mechanical procedures. What we have now is a mechanical system based on punch cards. This system is not in Quebec City but in Montreal, in our regional office. As an extension of the mechanization, we are busy installing a computer at the regional office in Montreal. The computer is installed and will be operative in July.

The second question: how many persons have been laid off. Nobody was laid off in our office, and the number of supernumeraries has been reduced from 800 to about 80. We will be able, I think, to control the situation, and so far there have been no lay-offs.

Mr. Dumont: Talking about these punch cards, with the present postal system, you're asked to return the punch card from Thetford-Mines, for instance, to Quebec City, on a given date. So, to avoid taking any chances because there are delays in the mail, it is sent as soon as possible. The punch card arrives at the office one day ahead of time and it is returned. Is this standard procedure...

Mr. DesRoches: I do not think we return the cards because they arrive too soon.

Mr. Dumont: I have been asked about this...

Mr. DesRoches: No...

Mr. Dumont: ... this problem was brought to my attention.

Mr. DesRoches: ... if this situation arises, there is an error somewhere and I wish you would let me know about such occurrences. What we suggest to the claimant—it is his responsibility—to tell us that he is unemployed and to send us his card as soon as possible after a certain date. He must then wait a specific period of time, and immediately thereafter, let us say on Sunday or Saturday, he must send it to us so that we may proceed during the following week. If he sends it too soon, and he is not unemployed, and he is not able to declare he was unem-

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ployed. For instance, if he makes his claim on Thursday, he cannot say he was unemployed for the whole week. There may be a problem if claims are made too soon.

Mr. Dumont: If you don't mind, the problem arose especially at the beginning of that system. Each week, we are asked to send a punch card. If it is sent or if it arrives before the time fixed, the card is returned or the claimant asks for a new card. That does not make sense.

Mr. DesRoches: The claim made on this punch card says he is unemployed. This is a situation which is in the past. He may not make a claim before the time has expired. This is where the problem may arise.

Mr. Dumont: A last question. If I understood correctly, you talked about a saving of \$15 million gained through centralization of the various offices.

Mr. DesRoches: Yes, this is an estimate.

Mr. Dumont: Have you calculated what it sometimes costs to travel to the office? We've got people in our region who must travel 75 miles to go to the office. Aren't those \$15 million now paid by those individuals?

Mr. DesRoches: We are trying to reduce costs as much as possible. We are carrying out studies in all the areas, and I would like someone to prove that the people have to go to the office. In fact, the system is made for postal use and it has been operated that way for 20 years. It also operates in other fields. Therefore, unless we have specific and concrete complaints, it is impossible for us to control that situation.

According to the information that we have now, the need to go to the office depends upon the individual. If the individual wants to get in touch with us to get some information, he may do so by mail, and in some cases by telephone. As I mentioned earlier, we have various ways of communication in different areas. But we don't have the same system in all localities. This has never been in existence, anyway.

Mr. Dumont: As for the Quebec City Office, co-operation is very good and I thank you very much for the information you have given me.

Mr. DesRoches: Thank you, Mr. Dumont.

The Chairman: Gentlemen, thank you very much.

Mr. Roy (Timmins): Mr. DesRoches, you gave us some figures a few moments ago, namely a receipt of 1.29 compared to an expenditure of 1.01. Could you repeat those figures and the statements?

Mr. DesRoches: The figures I gave you are a comparison, so to speak, between the savings resulting from the campaign against fraudulent practices, and the cost of that same campaign at different periods of time. I indicated that for the current year, up to

November, for each dollar spent we got back about \$1. Up to the end of December, we had recovered \$1.09, meaning that there was some improvement. And at the end of February, we recovered \$1.29 for each dollar spent. And this happens because our campaign, which began in November, gave us a return of \$1.41 for November and \$1.75 for December. Therefore, there has been some improvement between the expenses incurred and what we recovered. And here again, it is the Glassco Report that recommends we make cost analyses in relation to the profits we make.

Mr. Roy (Timmins): Are those returns the result of frauds or of allowances that should not have been paid?

Mr. DesRoches: Yes, it is because of overpayments. Fraud is a word that covers errors, omissions, deliberate fraud, all these situations. We are not interested in discovering whether the fraud is deliberate or not. I think the most part of the claims, are deliberately false, because each individual fills in a report every two weeks. So, when I notice a series of false claims, I would hesitate to judge a person making those false claims over a continuous period of time. I believe that judges who have dealt with similar cases in the courts, are agreed that a series of false claims actually constitutes a fraud.

Mr. Roy (Timmins): When we claim to wage a campaign against fraudulent practices and we compare the figures that include all overpayments, are we not comparing two basically different things?

Mr. DesRoches: I am trying to reduce the importance of fraudulent practices. We are comparing similar things, I think, because our prime objective is to recover the overpayments. It is not up to us to say whether or not it is a fraudulent practice. That is the only distinction I wanted to make.

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Mr. Roy (Timmins): In general, are you satisfied with the campaign? Have you decided to keep on with this campaign? And is it worth doing so?

Mr. DesRoches: The campaign as such is finished. We had to put in practice a new system of auditing. Now, this new system of auditing? required a certain amount of publicity if you wish, or public education through pamphlets and the mass media. We are very satisfied with the auditing system which has proven to be productive and has produced the results we had expected. We shall continue along these lines, but it is no longer a campaign.

Mr. Roy (Timmins): I had the opportunity to talk with some of your employees and I had the clear impression that for some of these people their work consists in disqualifying the people who come to their office. This is how some conceive their job.

What are you doing to make these employees understand that they are actually expected to render a service and not to act as policemen for the government?

Mr. DesRoches: We must admit that such a program needs control. That is an established fact, both here and elsewhere. I could give you a statement by Father Baker, an American expert who has written a number of books dealing with fraudulent practices in unemployment insurance. We should not be surprised . . .

Mr. Roy (Timmins): If I may interject, I am not talking about fraudulent practices, I am talking about your personnel . . .

Mr. DesRoches: Precisely. I am trying to establish that, in fact, there is a need for control in a system such as ours. Therefore, the individuals who administer the system are subject to the Law, the regulations, the jurisprudence of the system, and they must follow all of these. They are trained to do this. If they do not conform to this, i.e. if they break the rules, they are failing in their duty, and I would like to know about such instances in order to be able to correct this situation. Our employees are trained to apply the Law, the regulations and the jurisprudence, subject to the system of appeal. So I can only answer you by saying that we train our employees that way.

[English]

The Chairman: To make it difficult for people to obtain . . .

An hon. Member: Well, that is the point that I think you should . . .

Mr. DesRoches: No, but the point was that we were training and telling people to go out and catch people which was not . . .

Mr. Mackasey: No, I think the gentleman's point was that possibly some of our representatives of the Unemployment Insurance Commission—some of our officers—are overzealous in applying the law and feel they are demonstrating their ability to do their job by the number of people they can disqualify. How do you protect against that?

Mr. Roy (Timmins): Yes, that is my point. I have spoken to these people and their thinking with regard to the purpose of their job is that if they can disqualify that person they will be helping the government.

Mr. Mackasey: Mr. DesRoches will explain that because we have discussed it many times.

Mr. DesRoches: These people are trained and instructed not to do this. I do not think his admission...

Mr. Roy (Timmins): This is what I want to know. What type of instruction is given?

Mr. DesRoches: I think we must accept the facts that there is a need for control and these people have a job to do. Beyond that point we train them in an attempt to make sure they do not do this. Overzealousness to me is a term, but I would like to know in precise terms whether or not these people have exceeded their authority because that is the only way I can measure if these people have. They should not and they have been trained not to do this.

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Mr. Roy (Timmins): It is not a question of authority that I am putting before you at all. It is a question of the thinking of the person who is exercising this function. Is anything done to impress upon him that he is providing a service to the public and by being overzealous he is defecting the job as such? He is not an extension of the arm of the law with power to pinch everybody who comes to his door. Do you do anything to impress this on your employees?

Mr. DesRoches: The first thing we did was to reorganize our office so that these people are now within the same context as everybody else. At one time these people constituted a separated force. It was called an enforcement group, but it was quite separate.

Mr. Roy (Timmins): Let us leave the organization aside.

Mr. DesRoches: No, but it is part of the . . .

Mr. Roy (Timmins): Let us talk about the principles of unemployment insurance.

Mr. DesRoches: But this is part of the situation where these people as well as the auditors and everybody else are now within the same context—under the jurisdiction of an area director who is responsible for giving service—so it is part of their job to do this and there is no reason why they should think any differently. I realize that if they interview people they have to take an attitude perhaps of questioning. This is part of their job, but I think if this questioning is going to establish facts, that is one thing, but if they are trying to twist the facts, if you know what I mean, this is what I am trying to explain here, I think they have to do a job of getting at the facts, and I think in that part of the job they have to be trained to get the facts

that they need but they do not have to get facts to disqualify people. This would be wrong, and we would certainly discourage this.

Mr. Roy (Timmins): I believe there are some of your employees who do exactly this, just look for facts to try to disqualify a person.

Mr. DesRoches: This is not their mission in life.

Mr. Roy (Timmins): This is what I am asking.

Mr. Mackasey: I could tell you, Mr. Roy, one thing we do. We analyze the number of complaints that come in from a particular office. By the nature of the complaints that come from M.P.s, from members, and from disqualified people, we can pinpoint whether we have an overzealous employee who is doing the interviewing. The purpose is simply to get the information to establish whether or not that person is entitled to unemployment benefits. If he has a bias, it should be on the side of the claimant, not the other way around. This is the way they are educated by the area supervisor.

Periodically, because of the human element and because there are so many hundreds of these people, you do get an overzealous person who seems to feel he is going to get merit marks by the number of people he disqualifies. Mr. DesRoches takes him to task and if necessary takes him off the job because he has to be objective. His role is simply to get the information to see whether or not the claimant is eligible, and by going beyond that he is exceeding his function and mandate.

If you have particular evidence of an overzealous interviewer working for the Unemployment Insurance Commission, then the thing to do is bring it to my attention, and then I will, of course, send it on to Mr. Desroches. And a pattern is usually established when we review the functions of these people or the performance of these people at a particular office. There has been evidence just as you mentioned, and we have rectified it. The only way we know is by the complaints registered, of course.

So really the prime function, as you have suggested, is to render service, to seek out the information upon which they can decide whether that claimant is eligible for unemployment insurance or not, and not to trick the person into making statements that would automatically disqualify him by reason of the Act that the person is not familiar with. The average Canadian is not familiar with all the conditions, although he might be or should be. This is essentially it.

Mr. Roy (Timmins): Thank you.

The Chairman: Mr. Knowles, and then Mr. Orlikow.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, the hour is getting on so I will restrict myself to two matters. The first has to do with the question of extending coverage. The second deals with the lay off policy as it affects Winnipeg.

On the question of coverage, from the figures that you gave on one of your charts, Mr. Desroches, you pointed out that there are 7,000,000 paid workers in Canada by your definition, of whom 5,400,000 are insured, leaving a margin of 1,600,000. I would like to

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ask what progress is being made towards universal coverage under unemployment insurance.

Perhaps I might break that into two questions. How much further can you go by regulation and by order in council? How much of it requires an amendment to the Act?

Mr. DesRoches: Let me explain the margin between the two. First of all, public servants in various levels of administration who are excluded account for 460,000. Some of these people could be brought in if the provinces and municipalities so wish, not by regulation but by choice of the people involved.

There are another 235,000 who are teachers, and this would require an amendment to the Act. There are 205,000 in charitable institutions and hospitals, and these again could come in voluntarily if they and their employers agreed.

There are 165,000 over the ceiling, and this would require an amendment to the Act. And then there are 388 other categories of administrative staff in schools and religion. In the main, it would require changes in the Act to bring universal coverage to all these groups.

Mr. Knowles (Winnipeg North Centre): Perhaps I might deflect the question over to the Minister then. What progress is being made towards achieving universal coverage? I mean everybody, including Members of Parliament and Cabinet Ministers. They sometimes become unemployed too.

Mr. Mackasey: We are reviewing the whole concept, Mr. Knowles, of unemployment insurance, including the universal coverage. I am painfully aware that promises have been made in the past about application of the Gill Report. I not only have doubts, but I have been giving serious consideration to at least bringing before perhaps this Committee sooner or later a new philosophy for the Unemployment Insurance Commission. I think we should at least investigate and see whether the Unemployment Insurance Commission and its functions cannot be put to better use for the public. I am thinking along

the lines possibly of even extending the period of remuneration or benefits, provided that in that period we can do things to help re-educate the work force, analyzing the people who come back year after year, or almost year after year, to the Unemployment Insurance Commission, and why it is they are unable to find permanent work. This is not the group that usually are limited to 13 weeks.

The whole idea of universal coverage is being studied. You asked me what progress is being made, and there is a very intensive study going on at present within the Unemployment Insurance Commission. Mr. DesRoches has set up such a committee. They meet periodically with me, and at the present moment we are reviewing the advisability of not only expanding the coverage but possibly making the Unemployment Insurance Commission role a more useful one and somehow tying in labour, manpower and regional expansion.

Whether or not we can proceed much further with this new concept will depend on actuarial studies and the cost to the country. I am convinced, for instance, of the social benefits that it would bring to the Canadians who are along the poverty line and just above it. Whether or not we can deviate to any great degree from the present basic concept is something we are now determining. If we cannot, then we must proceed along the Gill Report and extend it as widely or as universally as possible. I personally would want to delve a little deeper into the possibility of changing the philosophy behind the Unemployment Insurance Commission.

Mr. Knowles (Winnipeg North Centre): May I ask whether these philosophical discussions that are going on mean that there is any contact between

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you people and Dr. Willard's general review of guaranteed annual income and such things.

Mr. Mackasey: Certainly one relates to the other. So far I regard, and I am sure you regard, the unemployment insurance benefit as a right of the citizen by reason of the fact that he has paid into a fund. This is not welfare. This is a benefit to which he is entitled.

Mr. Knowles (Winnipeg North Centre): This is a fund that actually exists.

Mr. Mackasey: That is right. And Mr. DesRoches should never fall into the idea that perhaps this is an indirect form of welfare. One of the problems I think of the Unemployment Insurance Commission at the moment is that unintentionally perhaps because of the introduction of certain groups into the

unemployment insurance coverage, we have not stuck to the insurance concept, and we have brought into the Unemployment Insurance Commission certain welfare aspects that do not really have any right to be there. And that is the decision we are going to have to make one of these days.

So you are perfectly right in assuming that Dr. Willard's general concept of a guaranteed annual income would have some effect on the future of the Unemployment Insurance Commission. Our study is not proceeding as part of Dr. Willard's but is an independent study within the Unemployment Insurance Commission.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, my other question relates to the layoffs in the Commission, with particular reference to Winnipeg.

I gather this morning that the latest figures, which I am happy to say are lower than they were a few months ago, tell us that 84 people across Canada have been declared redundant, and that although there has been a reduction the number at Winnipeg is still 17.

In Manitoba we have a little less than one-twentieth of the population of Canada. Less than one-twentieth of 84 would mean that we should have about four of these. We have 17. We do not usually get four times our quota in Manitoba.

Mr. Mackasey: If I may interrupt there, have you done any analysis of the statistical figures on whether you might have been over-staffed, if you want to use that argument in a useful way?

Mr. Knowles (Winnipeg North Centre): I am asking the question and I would like to get the answer from you. I am pleased that in a few cases which I thought were pretty cruel, and on which I wrote to the Minister, he took it up with the Commission and the word has come back that certain individuals have been taken off the redundant list. Perhaps I should write another 17 letters.

Mr. Mackasey: They are all welcome; they are all well thought out and are all very eloquent.

Mr. Knowles (Winnipeg North Centre): But this percentage seems a bit out.

Mr. DesRoches: Mr. Chairman, Mr. Knowles' question is...

Mr. Knowles (Winnipeg North Centre): Do you not think that if there are 84 across Canada four seems to be...

Mr. DesRoches: It is not really a question of proportion. I cannot really consider this as a question of

proportion. It is the result of improvements and changes that have been made, or are in the process of being made, and in anticipation of this we have been working this figure down by placing people, or reallocating them to other functions.

I think proportion has really very little to do with it. Part of it would be the staffing situation as it existed previously, and part of it the number of functions that were affected—the state of vacancies. Some regions had a larger stock of vacancies which they were able to capitalize on from the beginning. I would not want to reflect on our manager in Winnipeg. I think he is doing as good a job as anybody else. I do not think it is a matter of proportion. It is just a matter that the problem is there, as it is in other places. I think if you broke the figures down by area offices you might find that certain area offices—not just the regions—have bigger problems than others. Therefore, it is not a question of proportion.

I do not have the details here, but perhaps you will find that Corner Brook, Newfoundland, or Quebec City, or some other definite office, has a problem. You are looking at it from an area point of view. Winnipeg happens to loom larger—and it is large—but it is not a matter of proportion. Some offices have no problem at all, and there are no more redundancies. In several of our offices this is the situation. It is just that we are left in this particular situation, with...

Mr. Knowles (Winnipeg North Centre): They have been able to cut this number in Winnipeg down from about 34, I believe?

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Mr. DesRoches: It was 42 originally.

Mr. Knowles (Winnipeg North Centre): Forty-two; and it is down to 17.

Mr. DesRoches: We are still optimistic. I think it is a process. It is not a matter that will disappear overnight. We are doing everything we can to try to find alternate work. As I said earlier, alternate work outside the Commission does not produce as much as the effort we put in; and by that I mean ourselves and the unions and the committees we have set up. Outside employment is something that looks easy, but is more difficult to realize. Eventually we have to find our own solutions.

Mr. Knowles (Winnipeg North Centre): In the meantime, as you know, these notices and letters certainly were not good for the morale of your staff.

Mr. DesRoches: I realize that. But you have to balance this against the uncertainty. We either had to leave several hundred people uncertain—and in February the choice was that or telling 100 people that the problem existed and they were part of the situation—or we had to leave it uncertain. I think the uncertainty in some of the regions was greater problem than not telling them. We had to come down and tell the people. But as long as there is no official notice of layoff nobody is in fact laid off; and if they do get notices it is six months before action is, in fact, taken.

Mr. Knowles (Winnipeg North Centre): We will write to you on behalf of those who get the notices. I will pass to Mr. Orlikow.

Mr. Mackasey: If I may add a word, Mr. Knowles, you are in an area that is very close to our hearts, on the question of the rights of an employer—the philosophy of the Freedman Report. I am strong on it, and I would like to think that we have practised it in our Department.

I have emphasized to the Unemployment Insurance Commission that six months is my criterion. It is three months in the Economic Council and is one week in other areas, but it is six months in the Unemployment Insurance Commission;

For example, had we laid off on one week's notice in November, the original figures that Mr. DesRoches quite properly brought forward as a result of efficiency, 801 people would have been laid off. We have succeeded by . . .

Mr. Knowles (Winnipeg North Centre): You would have been laid off, too!

Mr. Mackasey: That can happen any day. The point is that 801 people across Canada would have been involved had we not taken into consideration what I believe is the strong moral obligation to do everything to minimize layoffs.

Today, including the figures that have been quoted for the west, as of the end of March, we have succeeded in reducing that 801 figure to 84. I think Mr. Desroches should really be congratulated for the effort he has put into reducing this 801 to 84. He has not done it single-handed; he has done it in very close co-operation with the associations and the unions that are there to look after the rights of their members.

Had we laid these people off on one month's notice we would have been able to get down to 384; and there is a considerable hope on our part that the 84 will again be reduced substantially, including some of the 17.

The Chairman: Thank you; and thank you, Mr. Knowles. The last speaker on the list is Mr. Orlikow. When Mr. Orlikow completes his remarks, if there are no further speakers, I shall call Vote 10. Mr. Orlikow?

Mr. Orlikow: Mr. Chairman, I wish to concentrate for a few moments on the last matter raised by Mr. Knowles. I shall begin by thanking Mr. Desroches. Eighty-four is better than was earlier the case, but it is substantially worse than the Minister gave in answer to a question in the House on January 22, when he said there would be only 50 laid off.

Mr. DesRoches: This was in September.

Mr. Mackasey: Excuse me, not that I like sparring with Mr. Orlikow—he is usually better informed than the Minister—but when he asked the question in January the projection then was on January 24 for the prairie region, and it was 57. In other words, Mr. Orlikow, there has been a progressive reduction in

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the number. It may have started at 84, but the total in November was 78, to be precise; and when you asked the question in January it was 57.

Mr. Orlikow: For the prairies, or for the whole of Canada?

Mr. Mackasey: For the prairies.

Mr. Orlikow: Mr. Chairman, I do not have the *Hansard* with me. My impression is, and as I remember it, that the Minister said 50; that I asked for the whole of Canada and the Minister said 50. But let us put that aside, Mr. Chairman, and accept the 84 which . . .

Mr. Mackasey: May I tell you precisely what was said? I would not want it to go on the record otherwise.

Mr. Orlikow: Yes.

Mr. Mackasey: The answer was: During the six-month notice period of layoff efforts will continue to transfer, retrain, place or relocate people to the extent that the forecast can be made—and here I condense it, and this is not verbatim—of turnover and other conditions which may develop between March 1 and September 1, 1969. It is anticipated that less than 50 people will remain unplaced by the end of the layoff period. I said to you in the House, I have said on several occasions, no-one in the Commission will be laid off with less than six months notice, which is double that normally given. I anticipate that at the maximum less than 50 people

working for the Unemployment Insurance Commission out of the original 800 will be given six months notice some time in February. That is on page 4619 of *Hansard*.

Mr. Orlikow: So I was not wrong then.

Mr. Mackasey: No, not at all.

Mr. Orlikow: The Minister said fifty . . .

Mr. Mackasey: Neither was the Minister wrong.

Mr. Orlikow: But you said it was less than 50 and now we have a figure of 84. I would like to come to that, Mr. Chairman, in reference to the Winnipeg situation, and I make no apologies for it. I have had correspondence with the representatives of the local union, as has the Minister. They have sent to me, Mr. Chairman, a list of the people who have been told that they will be or may be redundant as of February 24. That list shows 19 people. Mr. DesRoches says now that as of sometime in March it is 17, so we are improving. But I am concerned, Mr. Chairman, as I look at this list with the large number of people who have very long service with the Commission. I am not going to give the names, but here is a man with 23 years service with the Commission, four years of war service; a woman 23 years with the Commission and four years of war service; a man 23 years in the Commission and six years in the armed forces; a man 17 years with the Commission and three years in the services, a man with 22 years working for the Commission and five years in the armed forces. Now, Mr. Chairman, These people are nearly all over 40 years of age and it is going to be very difficult for them to find other employment.

Mr. Mackasey: Mr. Orlikow, your point is well taken, but I think under the Public Service Employment Act there is no such a thing as seniority, I may be wrong, Mr. Knowles, on that point.

Secondly the reason that we have notified these people that they may be laid off or they will be laid off six months hence is to put at their disposal certain rights they have as public servants, to exercise certain jurisdictions. If we do not do that then they have not got the right within the public service to fill vacancies. Notifying them does not necessarily mean that they are going to be laid off. It simply means that we are extending to them an extra right that they do not have until they are notified under the Public Service Employment Act. It simply means that within the six month period we will be able to be more zealous and to have a little more flexibility in our approach to finding these types of people jobs. My sympathy goes out to these people with long service, and Mr. Knowles and you both have written strong letters to this effect which have had some effect, as Mr. Knowles has pointed out,

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When a vacancy does occur within the public service, and as a result of the long service that you have pointed out in individual cases, we have used this, frankly, as one of the criterion for filling the position, and we intend to keep on doing that.

Mr. Orlikow: Well, Mr. Chairman, is any effort being made to consult with other government departments to see whether alternative employment can be found? Even if this requires a period of training. These people are complaining, and they are justified, that they have not been given any opportunity for training on the job, and so on.

Mr. DesRoches: We are doing all of these things, and this is done through a committee where the union and our staff in the prairie region meet periodically. I cannot vouch that every individual has been given this opportunity. I think it depends on their capabilities at this particular stage. I think basically we have done this, we have done everything we could and this is why we have reduced the figures this month, to try to place them in positions they were not in before and the type of job they were not doing before. In fact there may be positions that did not call for the same rate of pay but we can do this in short-time period. We are doing this. As I said earlier, the placement outside is not as fruitful as one would hope and we cannot offer them opportunities outside, but by having declared them redundant it gives us the opportunity to speak to other departments, speak to the Public Service Commission and say that we have these particular people and not just a figure. This is why we have to speak to these people and tell them, so that then, if these opportunities arise, or if the department of National Revenue, as was the case in the prairies, for example, is working for certain types of people, they can interview the people concerned specifically. So that, it does not become just a problem of generality but a specific question. This is going on now to the extent that opportunities exist. I fully appreciate this is a difficult problem. We are trying to not eliminate it but solve it as best we can.

Mr. Orlikow: Mr. Chairman. I have a few relatively short questions. On that table you show the number of claims per year at two million. Do you have a breakdown of the claims by provinces or by the regions in which you are organized?

Mr. DesRoches: Yes, we have that. It is not the two million, but I could . . .

Mr. Mackasey: Perhaps you could refer to that document or have a copy made.

Mr. Orlikow: Is it in there?

Mr. DesRoches: Yes. It is in one of these publications. We will send you a publication.

Mr. Orlikow: When we talk about two million claims, these are people who have worked long enough to be eligible to make claims?

Mr. DesRoches: As I indicated, there are ten per cent of those who have not worked long enough.

Mr. Orlikow: The question I would like to get at is, this does not include a fairly large number of people: for example, a very high percentage of Indians who have never been in the labour force and therefore cannot claim unemployment insurance, or people who live in rural areas who were not qualified.

Mr. DesRoches: People who work on Indian reservations, whether they are of the Indian race or not, can be covered—this has nothing to do with it—if they are working in covered employment. If it is a school teacher, of course, he would be excluded, but if he is working for an employer then he would be covered otherwise. But there are groups without experience.

Mr. Orlikow: There are large numbers of Indians who live in northern areas in all the provinces who have never been gainfully employed, so they are not covered?

Mr. DesRoches: They are not covered. The Minister is just pointing out we have extended coverage last year. You are probably aware there was a regulation which cut off coverage at the 60th parallel and this has been extended to people who work. Of course, you are right when you say people who are not in the labour force are excluded.

Mr. Orlikow: Just a question with regard to the closing of the offices which has been referred to by other members. Have you had many complaints from people that as result of closing the offices they have

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had a great deal more trouble or they have had to travel in order to get their claims handled?

Mr. DesRoches: This is a subjective area. The only information I have, Mr. Orlikow, is an analysis of correspondence which I can quote to you in terms of what complaints might be, and these are 326 pieces of correspondence that came through the Minister's office. I do not have figures on what comes into our regional offices; of course, it would be pretty costly to do this in a long term. But out of 326 there will be 198 which are just complaints about facts and decisions and where the facts and decisions are, unfortunately, as they should be. The

closing of offices represented out of this, a total of 11 complaints, if you like. We had nineteen cases of errors or problems where we could take the blame for the errors or the problems. I would say 30 out of 326 were actually complaints, the others being either enquiries for information or cases of people who do not like the decision we make. So, that would be 30 over a three-month period, or 10 per month.

Mr. Orlikow: I would like to refer just briefly to a matter that has been raised by other members, the question of fraud. I am not questioning the necessity for the Commission to police this matter. I do not know if any representations have been made to you but some members of Parliament, myself included, have received pretty strong representations to the effect that the advertisement—I do not remember the text although you may remember it, Mr. Chairman—implies that a very large percentage of people were making fraudulent claims. You may have the text there. If you do not have, I . . .

Mr. DesRoches: I do not have the text but it quoted what the consultant had told us, and I referred earlier to statements which were made in the United States. I think in this type of program it is entirely to be expected that 10 to 15 per cent, or even up to 17 per cent, will be false declarations. I could quote Father Becker on this. He is a world authority in this field and, as I said earlier, he has written books on this subject. Mr. Chairman, if I can find it, may I quote this statement? I think it is pertinent. It is the type of thing that is expected and it is no reflection on the people. It is only that it is a known fact concerning this type of program and I think other jurisdictions have the same problem. I am thinking of welfare programs. If I may, I will just read part of this:

For what it is worth, my current estimate of the extent of improper payment is that from 10 per cent to 15 per cent of all beneficiaries in the course of a year of normal unemployment draw some benefits to which they are not entitled by law but that these improper payments do not constitute more than 2 per cent to 3 per cent of all benefit payments.

I am only quoting this because this has been our experience as well. I think in terms of dollars we are within 2 per cent. In terms of volume it can be as high as 15 per cent or 16 per cent unfortunately.

Mr. Orlikow: Mr. Chairman, Mr. DesRoches has referred several times to consultants that were used by the Department. Will you tell me how many contracts, or whatever it is, you have?

Mr. DesRoches: We have used one firm . . .

Mr. Orlikow: For instance, in the last two years.

Mr. DesRoches: We have used one firm of consultants on the project that I am speaking of, administrative improvements, and this is aside from perhaps going back to 1965 before my time when the Bureau of Management Consultants of the Public Service Commission did the study that led to the reorganization, but beyond that point...

Mr. Orlikow: I am talking about outside consultants.

Mr. DesRoches: The outside consultants are Urwick, Currie.

Mr. Orlikow: Who are they?

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Mr. DesRoches: Urwick, Currie and Partners Ltd., and they started their study in December of 1967. This was a joint study between ourselves and the Department of National Revenue and our share of the cost of this total study to date has been \$84,883.

Mr. Orlikow: What were they asked to...

Mr. DesRoches: I could give you quite a lengthy...

Mr. Orlikow: I do not want the detail.

Mr. DesRoches: They were asked to do a fairly complete study of all our procedures and they have

produced a total of 13 reports, and they are still producing some follow-up reports. These reports covered benefit control, which we have talked a lot about today; claimant information service, which is a pilot research project they are carrying out and which is still in process; they have given us recommendations on simplified adjudication procedures; recommendations on benefit payment by computer; the reduction in claims examination; recommendations on the employer audit; annual reconciliation of employer audit and payments to chartered banks. Their estimate of savings in cost reduction was \$8 million. The savings to the fund are of the order of \$3 million. From what we have accepted to date I think we can certainly realize several million dollars on these recommendations.

The Chairman: Thank you, Mr. Orlikow. If there are no further questioners, I will call Vote 10.

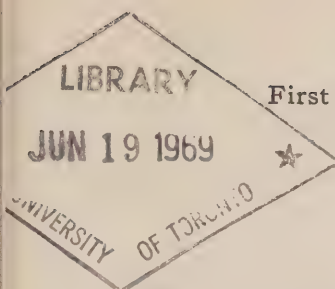
Vote 10 agreed to.

Mr. Orlikow: Mr. Chairman, before you adjourn the meeting could you tell us the area the Committee will next be dealing with?

The Chairman: It depends on the various departments. It will either be the Department of Labour on the balance of this or the Department of Manpower and Immigration. I have not been notified yet, I am sorry.

May I on your behalf thank Mr. DesRoches for his most helpful performance.

Meeting adjourned.



HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, MAY 8, 1969

Main Estimates (1969-70) relating to the Department of
Manpower and Immigration

WITNESSES:

(See Minutes of Proceedings)

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman:

and Messrs.

Alexander,
Badanai,
Brewin,
Dumont,
Knowles (*Norfolk-
Haldimand*),
Jerome,

Lewis,
Loiselle,
MacDonald (*Egmont*),
Muir (*Cape Breton-
The Sydneys*),
Murphy,

Paproski,
Penner,
Prud'homme,
Roy (*Timmins*),
Serré,
Thompson (*Red Deer*),
Weatherhead,
Whiting—20

D. E. Levesque,
Clerk of the Committee.

Mr. Weatherhead replaced Mr. Penner on April 14, 1969.

Mr. Lewis replaced Mr. Knowles (*Winnipeg North Centre*) on May 7, 1969.

Mr. MacDonald (*Egmont*) replaced Mr. MacEwan on May 7, 1969.

Mr. Badanai replaced Mr. McNulty on May 7, 1969.

Mr. Penner replaced Mr. Otto on May 7, 1969.

Mr. Brewin replaced Mr. Orlikow on May 7, 1969.

MINUTES OF PROCEEDINGS

[Text]

THURSDAY, May 8, 1969.
(10)

The Standing Committee on Labour, Manpower and Immigration met this day at 9.35 a.m. The Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Badanai, Brewin, Caccia, Knowles (*Norfolk-Halldimand*), Lewis, Loiselle, MacDonald (*Egmont*), Murphy, Penner, Prud'homme, Roy (*Timmins*), Serré, Thompson (*Red Deer*), Weatherhead, Whiting (15).

Also present: Messrs. Broadbent, Comeau and Orlikow.

Appearing: The Honourable A. J. MacEachen, Minister of Manpower and Immigration.

Witnesses: From the Department of Manpower and Immigration: Mr. R. B. Curry, Assistant Deputy Minister (Manpower) and Mr. J. C. Morrison, Director General of Operations.

The Chairman called the Estimates 1969-70 of the Department of Manpower and Immigration and introduced the Minister.

The Minister made a statement and assisted by Messrs. Curry and Morrison answered questions.

At 11.45 a.m., the questioning continuing, Mr. Loiselle moved the adjournment of the Committee to Tuesday, May 13, 1969.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, May 8, 1969.

The Chairman: Gentlemen, we have a quorum and I will call the meeting to order. We have with us today our Minister as well as officials from his Department. Without any further delay I will ask the Minister to make his statement.

Hon. Allan J. MacEachen (Minister of Manpower and Immigration): Mr. Chairman, I want to make a statement about the general background of the Department. I would like to leave between 11:00 and 11:30 o'clock, but I think in that time you will be able to ask all the questions you find essential to ask today. I will come back another time if you wish.

As you know, the Department's estimates were before the Committee about five months ago. At that time we outlined the goals of the Manpower and Immigration services and without repeating what I said at that time I would like to outline today the broad lines of development that we are following to achieve the goals of the Manpower and Immigration services.

I must say that the public support that we

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have received in this effort is most encouraging. The Members of the House have long recognized and attach great weight to the development and expansion of active manpower and immigration programs designed to improve economic well-being of Canadians. Although you may not agree fully on every aspect of Canadian manpower or immigration policy, I think it is fair to say that the general lines of the policy and the programs have a wide measure of parliamentary and public support.

This, of course, does not mean that the policies and programs cannot be improved and strengthened. They certainly can; that is why I am before this Committee today to hear your views and to seek the funds for the very necessary developments that we propose.

The Department has, as you know, two broad responsibilities—manpower and immigration.

The core of our manpower services—the point at which the decisions get made and the action takes place—is the local Canada Manpower Centre. The effectiveness of our manpower policies, the size of the economic and individual benefits that come from them are all, in the final analysis determined by the dedicated people who man our local offices. Our programs can be no better and no more effective than the advice and assistance they give to men and women who come to our offices for jobs or career counselling or training or help in moving or simple advice on what is the best career and employment choice for them.

Although the goals of this Department are expressed in economic terms and we measure the success of our programs in terms of their contribution to productivity and economic growth, the functions we perform are very human indeed. They provide new opportunities and a consequent increase in the well-being of the individual Canadians whom we serve. They depend on having enough competent, highly skilled, sympathetic and understanding staff in our Canada Manpower Centres to do the job.

Our programs are a vital support in the attainment of the kind of economic goals for Canada outlined by the Economic Council. A low level of unemployment, the restraint of price increases, rapid economic growth, a strong and viable balance of payments, and an appropriate distribution of rising incomes all depend in considerable measure on how good our manpower policies are and how well we execute them.

In this connection, I have been pleased by the recent resurgence of a strong economic growth trend in Canada. During 1968 the Canadian economy grew at a much faster rate than in 1967. Our Gross National Product increased by 8.5 per cent, with a gain in our real output of goods and services of 4.7 per cent, as compared with a 3.1 per cent gain in 1967.

A considerable part of these improvements were associated with a marked rise in pro-

ductivity. Output per man-hour in the commercial sectors of the economy increased by 4.3 per cent, as compared with an average annual increase of 3.7 per cent over the 1961 to 1968 period, and an increase of 1.6 per cent in 1967. Productivity gains in Canada last year, it is worth noting, exceeded productivity gains in the United States.

Much of the 1968 growth last year occurred in the latter half of the year and this has continued through the first quarter of 1969. Both labour force and employment growth gained strength in the fall of 1968 and this strengthening has continued into 1969. On a seasonally adjusted basis, employment increased by nearly 90,000 between the third and fourth quarters of 1968; between the fourth quarter of 1968 and the first quarter of this year an additional 120,000 people found jobs. This March, the latest month for which data are available, the seasonally adjusted unemployment rate was 4.2 per cent, down a full half a percentage point from the 4.7 per cent of a year earlier.

I cite these figures, not to claim or suggest that they are caused by our improved and strengthened manpower policies alone; they certainly are not. I do believe, however, that our policies have made a substantial contribution to these marked improvements. I do not believe that these gains could have been achieved without them.

Manpower policies and programs, though, to become an economic and a social force, must be translated into service to the public. And only in the Canada Manpower Centre can national policy be tailored to fit human needs.

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The Manpower Centre is the point of public contact, the single point at which all services are brought to the individual whether he be a worker or an employer.

Essentially, the goal of these services is to improve either the utilization or the development of our manpower resources. We improve utilization by shortening the time of unemployment and job seeking for workers and by reducing the time that jobs go unfilled for employers. We develop manpower by training and retraining to better shape the qualities of the labour force to the ever changing requirements of industry.

To carry out manpower programs aimed at matching workers and jobs requires consider-

able information on the workers and the occupational skills of our labour force in relation to the changing job requirements of the economy. The Department is developing a vastly more effective capacity for the collection, analysis and dissemination of manpower and labour market information.

National and regional manpower reviews are being regularly issued to departmental officers and the public to provide them with an authoritative assessment of the current manpower situation. In addition, monthly manpower bulletins and the Joint Press Release on the Labour Force Survey contain the highlights of monthly developments in the labour force, and reflect the performance of the labour market.

Occupational surplus and shortage surveys and job vacancy surveys, as well as medium-term occupational forecasts, are being developed to provide information relevant to the mobility and training of manpower to provide full utilization of available manpower and the reduction of unemployment. In addition, occupational demand assessments for immigration selection purposes are carried out to ensure the speedy settlement and the suitable employment of immigrants who enter Canada. Special studies are regularly carried out to assist the Department in making sound decisions on the number of places and the kind of training courses to purchase under the Occupational Training for Adults Program.

Area Profiles describing the economic and demographic characteristics of each of the areas served by our Canada Manpower Centres are being produced to facilitate the mobility of workers to areas of greater opportunity, and the choosing of new homes by immigrants. Special studies of local labour market conditions are being conducted to determine specific manpower requirements and to ensure that the demand for labour is met in specific areas and industries.

These measures, many of which are now in place or close to fruition, are being developed to provide the fullest possible utilization of Canada's manpower resources in all regions and local areas, to assist in meeting Canada's over-all economic and social objectives.

But, as you know, for many people effective placement in a job cannot be achieved, unaided, even by the most efficient and well-informed employment service. Far too many of the adults in our work force today lack the basic education and skills that are essential to steady and productive employment. As the

advance of technology makes traditional jobs obsolete and shifting trade patterns change the structure of production, they sometimes find themselves both unemployed and without a market for their old skills.

The task of the Adult Occupational Training Program is to give these kinds of workers and many thousands of others an opportunity to get the sort of upgrading of their basic knowledge and the training in specialized skills that our school system simply did not offer twenty years ago. Mature workers with families, widows with children who must return to the labour force, many who never had a chance for a decent job and a decent living, and immigrants who must learn English or French, need the kind of training that the OTA program provides.

That, of course, is why we have an adult training program. Last fiscal year, we were able to provide approximately 240 thousand Canadians with a course of shorter or longer duration under this program. This year, if Parliament approves the funds requested, we expect to be able to lengthen the courses, reach more deeply into those groups who suffer from the worst employment disadvantage, and at the same time increase the total numbers trained.

We are not, though, just increasing the volume of training. We have been, and will be, analysing the way the program operates to see whether it cannot be made an even more effective instrument for meeting our

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objectives. To this end, we are trying to ensure that an even higher percentage of the training takes place in the winter months of high unemployment and we are moving to ensure a more appropriate balance between basic training for skill development and actual skill training, region by region. As the Economic Council of Canada has pointed out, our manpower programs (and, importantly, the training program) are making a major contribution to regional growth and development. We must ensure that the contribution, in each instance, is of the best kind.

To this end, we are and will be working closely with the new Department for Regional Economic Expansion to determine how we can best contribute to the achievement of their objectives through our programs. Adult occupational training has been a major ingredient in each of the FRED plans so far

and will, I expect, be of considerable significance in the new plans for regional development as they mature.

It is not, though, sufficient simply to collaborate with other federal agencies. The training courses that we purchase for adults are largely provided by the provinces or their municipalities. We have a joint committee with each province to review continuously the manpower needs of that province and to consider the training implications. The great increase in our knowledge of the market for manpower—jobs that are not filled because trained people are not available, and the future skill needs of employers—is now beginning to make a major contribution to this process.

The provinces, too, are interested in the program and concerned with its impact within a province. The regular mechanism for federal-provincial collaboration—the Deputy Ministers Committee on OTA—has formed a Review and Assessment Subcommittee which is now hard at work. This Committee, on the basis of a substantial fact-gathering and analysis program, is examining the many questions surrounding how the OTA program can be improved and looking into the needs and priorities for possible changes in the program itself. This intensive joint review will, I feel, bear considerable fruit in the future.

The OTA program is one of which I think we can all be justly proud. It has been doing and will do an immense amount of good in both economic and human terms. Detailed and painstaking cost-benefit studies conducted by the Department have shown that for every dollar society invests in the program, we can expect to get back another \$2.50 of extra Gross National Product. And these same studies will help to show us the directions in which expansions of the program can be most beneficial to both individuals and society.

What the program means in human terms is much harder to describe and impossible to measure, but it is no less important. About half of those to whom we give full-time training under OTA have incomes below the poverty line. Their income increases by an average of 20 per cent shortly after training and I am sure we all appreciate how important this is to this group. What it will mean for them over the course of their career in the labour force and for their children in the longer term is impossible to estimate but equally impossible to ignore.

The Manpower Mobility Program is a basic component in the array of programs which help people get productive jobs and to avoid the humiliation of depending on society's welfare for their existence. In 1967-68 my Department spent slightly over \$3 million to move close to 6,000 families to new permanent jobs in other communities, to help over 4,000 family heads search for work in other areas, and to enable 18,000 adult trainees to get to and from distant training courses. Last year, despite the relatively high unemployment figures, we were able to find jobs for and make relocation grants available to close to 7,000 families. Exploratory grants numbered over 6,000 and trainee travel grants exceeded 32,000. What is most encouraging is the fact that most of these people have not had to move too far to get the jobs they need—about three-quarters of the relocation grants are for movement within a province or part of a province.

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Our analyses have, though, shown that the experimental program that was begun in March 1967 required some adjustment to make it more accessible and useful to people with large families and to people who had to sell an old house or buy a new one in connection with their move.

Our studies have shown that one of the major deterrents to moving on the part of many people who live in declining communities where opportunities do not exist is the loss they must take when they sell their old houses and the high cost of acquiring new homes. When the program was initially introduced to Parliament some Members commented that the housing allowance was, in their view, too low. Our studies have confirmed this and I have been more than pleased to make an important change.

A restructuring of the re-establishment allowances will slightly reduce the total assistance available to the highly mobile single people and those with only one or two dependents (although a young couple, for instance, will still receive their travel expenses, household moving expenses, the housing allowance of up to \$1,500 and \$200 cash resettlement allowance to facilitate their move) but permit us to eliminate the \$1,000 limit on the re-establishment allowance that worked a hardship on the large families who face such severe difficulties in relocating to a new job.

The changes will, I believe, make the program much more effective and much more available to many of the Canadians who would otherwise be left to endure a potential lifetime of unemployment and poverty.

Mr. Chairman, I should, also tell you that we are moving to greatly strengthen our Manpower Consultative Service. The Manpower Consultative Service, in a situation where workers may be adversely affected by technological or other economic change, encourages the formation of joint employer-employee committees to research the facts of the change and to provide assistance in planning for the effective re-employment of the workers involved.

Our studies show that the joint committees that have been created in such situations to date and the providing of a mutually acceptable factual base for planning have been highly beneficial and have greatly eased the problems of workers who would otherwise have been most adversely affected. In an age of technological change, a mechanism of this sort is indispensable; without it many workers would otherwise be thrown upon the labour market with nothing but obsolete skills to sell. With it, every effort is made, through planning, training, and the full use of available manpower and community services, to place them in the new jobs opened up within the firm by the new technology and to provide for the re-employment of any remaining workers who must leave the firm. We plan a considerable increase in the staff and financial resources that are devoted to this important function.

I should not conclude my review of our policies and programs without mentioning a matter that has been of considerable concern to us.

The number of students seeking work in the summer has grown considerably over the past few years, largely because of the rapid expansion of our post-secondary institutions. Many of these students both want and need work in the summer to finance their further education. Because of their lack of experience and the temporary nature of their commitment to the work force, they frequently and increasingly have found work hard to get. So long as the student population continues to rise and our post-secondary institutions continue their policy of releasing hundreds of thousands of students during the summer months, this problem will be with us.

We are not in the business of setting up make-work projects for students but we do have a very serious responsibility to make sure that they get the available short-term jobs that they are fitted for.

There are a lot of those jobs. There are, in fact, a lot more than is generally realized. Large and small businesses, public institutions and government bodies, and even private households, have large numbers of jobs either partly as training for a potential future career or just to get needed work done.

Our job is to provide leadership in creating and finding those jobs and in organizing the market so that the potential employers and the

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work-seeking students get together.

The leadership aspect of our role is important. The federal government has recently undertaken, even within its present budget, to raise the number of students it hires this summer by at least 10 per cent or 1,000 whichever is greater. Some provincial governments and larger corporations have taken a similar approach. We are increasing our advertising, designed to encourage summer hiring of students, from \$75,000 last year to more than a quarter of a million dollars this summer. The media are co-operating by providing a considerable amount of free time or space. We are collaborating with the provinces, the Association of Universities and Colleges of Canada, unions, and employer organizations and we have been very active in attempting to stimulate the creation of as many students jobs as is feasible.

My Department is also making a contribution directly, I might say, by taking on no fewer than 335 students in our local offices this summer, largely to handle the placement in jobs of their colleagues.

It is still too early to say exactly how great the impact of this program will be. Our experience will last summer's much smaller program, which did not start until late July, and the considerably improved unemployment situation to which I earlier referred, both suggest that we will make a very sizeable dent in the problem this summer.

I want now to turn to the other main aspect of my responsibilities—the immigrants that we bring to Canada who contribute so much to our national prosperity and cultural growth.

As you know, the Government introduced new Immigration Regulations in the fall of 1967. These Regulations were designed to give effect to the principles of universality and non-discrimination embodied in the 1966 White Paper on Immigration, to enable us to recruit from abroad independent immigrants with the skills required by the Canadian economy, to facilitate the admission of nominated relatives who have a good chance of early and steady employment and to provide for the reunion of sponsored relatives with their families and the discharge of Canada's international obligations concerning refugees.

It is still too early to say exactly what impact the new Regulations have on the total volume of immigration. It is, though, clear that they have improved our ability to select the immigrants that Canada most needs.

Total immigration to Canada amounted to 184,000 in 1968, a decline from the 223,000 the year before but a considerable increase over the ten-year average of 131,142. The year-to-year change was influenced by a number of factors. Perhaps the most important was the combination of improved economic conditions in Western Europe and a temporarily somewhat softer employment situation in Canada. The Regulations did have the effect of reducing the inflow of labourers and other low-skilled immigrants who would have faced extremely high unemployment rates had they chosen to enter Canada at that time. We must not forget, however, that the extremely high volume of immigration in 1967 was, in part, caused by the decision to grant immigration visas to over 10,000 persons who, until that time, had been residing in Canada in contravention of the Immigration Regulations as they then were. The question of exactly what impact the new selection standards have, independently from the other largely economic changes that occur from time to time, is not easy to determine. I have asked my officials to look into the question of the impact of the selection standards and as well to conduct appropriate studies to determine what immigrants experience the greatest problems in employment and in making a successful adjustment to life in their new country. These studies should give us a much better idea of what changes in the selection system may be desirable and in what ways we can best help facilitate the adjustment process.

As I mentioned earlier, some of the most significant changes in immigration last year were in the composition of the movement. As

might be expected from the implementation of the new policy of universality and the consequent extension of more adequate ser-

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vice to large regions of the world where our representation had previously been inadequate, immigration for example from Africa, Asia and Oceania showed increases despite the reduction of the total volume of immigration. Immigration from North and Central America increased slightly, and, in the first three months of this year, immigration from the United States rose. Immigration from the United Kingdom declined as it normally does when employment conditions are less favourable in Canada.

One of the most significant and important shifts that has been going on has been a continuing increase in the percentage of our immigrants who are fluent in French. This percentage has risen from 8.5 in 1966 to 9.1 in 1967 and to 10.0 in 1968. The increase is encouraging and shows that the attractions of Canada and the efforts of our offices abroad are combining to produce a gratifying increase in the proportion of such immigrants.

Unskilled workers generally dropped to 6 per cent as compared with an average of 14 per cent in the previous 4 years. Accompanying these changes was a considerable increase in the average level of skill qualification of immigrants generally. The percentage of those immigrants going into the labour force who were labourers declined from 7.4 per cent to 2.8 per cent between 1967 and 1968. The share of those in the generally short professional and technical occupations increased from 25.8 per cent to 30.6 per cent. Although, as I said, it is sometimes difficult to sort out the impact of the Regulations, I think we can safely say that they are, in conjunction with our departmental efforts, moving the composition of the flow in the direction we had anticipated and hoped for.

This is most important. We have, I feel, a responsibility both to native Canadians and to the millions of people who have arrived in Canada since the Second World War and to immigrants themselves, to see that they are given the best possible advice about Canadian conditions, that they are able to make a realistic assessment of their prospects in this country, and that we do not admit people whose prospects of successful settlement are

poor or whose arrival, in their own interest, can best be deferred until economic conditions have improved.

This is not a "tap on and tap off" policy. A tap that was off could hardly have admitted such a large number of immigrants in excess of the ten-year average. If immigrants are to make their important and vital contributions to the Canadian economy and Canadian society generally, we must be sure that the immigrants who come have good prospects for successful settlement and that they do not come when they cannot find jobs. We must avoid a tap on and tap off policy; we must not permit our immigration policy to function like a broken fire hydrant. I personally will not be responsible for encouraging and admitting to Canada masses of immigrants whose skills are not needed and who cannot find work.

The policy of universality and the long-standing need to improve our services have led us to make some significant redeployment of staff resources and to relocate a number of offices in accordance with shifting needs, particularly within Europe. A number of offices, namely in Asia, the United States and the Far East were either expanded or relocated to secure accommodations more in keeping with Canada's image abroad.

During 1968, considerable progress was made in our effort to speed up the processing of applications. In some areas, such as Africa and Asia, the marked increase in the volume of applications increased the waiting period, despite the increase in the resources we devoted to these areas. We expect, in this fiscal year, to be able to open two more immigration offices, but I am unable to announce their locations until we have reached agreement with the governments of the countries concerned.

My officers have been participating in studies to anticipate the problems that are likely to arise at our major airports when jumbo jets come into service in the summer of 1970. An interdepartmental committee has recommended, among other things, that in these circumstances one officer should complete the customs, immigration, health and agricultural

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inspection. This single stop inspection will be tested at the Montreal Airport this summer and, if successful, we expect it will be implemented permanently in the summer of 1970.

This faster method of dealing with people who arrive in Canada by air will of necessity result in some decrease in our degree of control over the entry of prohibited persons. We are accordingly, jointly with the Bureau of Management Consulting Services of the Department of Supply and Services, undertaking a study aimed at improved methods of ensuring that we quickly find people who have managed to enter the country who are likely to endanger our national security or public order by reason of their criminal activities. The effective detection and dealing with people who have entered the country illegally is a major problem. To emphasize its magnitude, I would like to point out that last year there were over 70 million admissions to Canada of visitors, returning Canadians or immigrants. It is not surprising that Gerry Rubin could slip through in that movement of people. The impossibility of both dealing with such volumes of people rapidly, effectively and courteously and at the same time preventing the entry of those whom the law keeps out imposes an obligation on us to ensure that we have an effective means of ensuring that any such people who do slip into the country are not permitted to remain.

One of the major features of last year's immigration movement was, of course, the movement of Czech refugees to Canada. At the time of the Soviet invasion of Czechoslovakia, I had the pleasure of announcing that Canada would be happy to accept as refugees those who chose to come to this country, as well as make effective and special provisions for their reception here and for providing, through the Adult Occupational Training Program, for the needed training in English or French of those who did not already possess these languages. In addition, we made provision for assisting the many Czech university students in the refugee movement to enter Canadian universities as soon as they had fulfilled the necessary language requirements. To date, over 11,000 Czech refugees have entered Canada under this program. It is evident that we have been most fortunate in bringing to Canada an unusually highly qualified and able group of people. They appear to be adjusting very successfully to their new country and many have already begun to make a substantial contribution to our cultural and economic life in a highly diverse number of areas.

I should say, in this connection, that we are in the process of taking the final steps to

accede to the United Nations Convention Relating to the Status of Refugees and the 1965 Protocol to that Convention and to the Hague Agreement on Refugee Seamen. Because Canada's treatment of refugees is already in accord with the letter and spirit of these international instruments, accession does not add any rights to those already enjoyed by refugees in Canada. However, Canadian accession denotes an official acceptance of international standards for the protection of refugees and of the approved international and universal definition of the term "refugee".

Because past policies have been designed to help solve the plight of refugees displaced as a result of World War II, almost all refugees admitted in the past 20 years have been of European origin. Co-incident with accession to the Convention, greater attention will be given to the acceptance of refugees for settlement in Canada from other parts of the world.

Immigration is, of course, a field in which the provincial and federal governments have concurrent jurisdiction, although in cases of conflict, the federal government has primacy. A workable immigration system requires, however, a good deal of federal-provincial collaboration. Provinces having jurisdiction in fields that are vital to the establishment of immigrants in Canada such as education, welfare, hospital and medical services emphasizes the close links that are necessary.

Although at present only Ontario has an overseas immigration service, most provinces have at one time or another over the past century participated in immigrant recruitment and settlement. Other provinces, at the moment, seek immigrants from time to time through their Agents-General or through provincial officials sent abroad in touring teams. The actual selection, acceptance and issuance of visas is, of course, done by federal immigration officers.

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The Province of Quebec late last year established a new Department of Immigration. We look forward to the close collaboration which their establishment of legislative authority and administrative machinery will make possible.

You would not expect me to leave the subject of immigration without saying a word about our policy respecting military deserters

which has been the subject of considerable comment and public discussion in recent months.

In response to requests from Members of Parliament and others and to clear up some of the confusion and misunderstanding which have surrounded the subject, I am pleased to make a detailed statement to the Committee on Canada's current policy towards draft resisters and military deserters.

Our policy towards draft evaders or resisters is simple and straightforward; if an applicant for landed immigrant status in Canada otherwise meets our immigration criteria, the fact that he is, or could be, a draft evader, has no bearing on his eligibility.

Our policy on deserters does not lend itself to such simplification, and to understand our approach more clearly it is helpful to review briefly past practice.

Up until January, 1968, and for some time prior to that date, Canadian immigration officers at all points—in Canada, at border points and abroad—were under instructions not to process the application for landed immigrant status of any persons in active military service unless and until such persons showed proof of discharge or imminent discharge.

In other words, persons known to be serving in the armed forces of any country were not processed for permanent entry to Canada unless they were discharged or were in the process of being discharged.

In January of last year, this policy was changed with respect to armed service personnel of other countries applying from *within* Canada for landed immigrant status.

Since January 1968, armed service applicants, including U.S. deserters, applying from within Canada have been granted landed immigrant status if they otherwise meet immigration criteria. In other words, if a member of the armed services of another country is legally in Canada as a non-immigrant, then decides while he is here to apply for landed immigrant status, such status is normally granted if he scores the required number of points, meets medical requirements and has no criminal record.

The instruction to immigration officers requiring them to obtain proof of discharge continued in effect at ports of entry and offices abroad until July 29, 1968.

On that date, the earlier mandatory instruction requiring proof of discharge for

armed services personnel applying outside Canada and at border points was withdrawn, as it had been withdrawn some six months earlier for similar persons who had already entered Canada as visitors or non-immigrants and were applying for landed immigrant status.

It was replaced by what I consider to be a more permissive approach which, instead of requiring officers to bar permanent entry to armed service personnel, allowed them to exercise discretion. Since July of last year, immigration officers at border points and offices abroad have been operating under a set of guidelines designed to assist them in exercising this discretionary authority in a reasonable and humane way.

While parliamentary practice prohibits me from making this document public, I have discussed its substance in some detail in a press release I issued on March 5, in statements which I made in the House of Commons on March 5 and more recently, in a telegram which I sent on April 30 to Dr. R. B. McClure, Moderator of the United Church of Canada. As far as content is concerned, I have no qualms about tabling this document.

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Indeed, if it were made public, I am sure it would dispel many of the misunderstandings and misgivings which surround this matter. However, as honourable members know, it has been a long-standing practice not to table documents of this kind, no matter how commendable the cause, because of their privileged nature.

Perhaps if I led members in a verbal expedition through the guidelines, paraphrasing the substance, it would serve a useful purpose without doing damage to this tradition of privilege.

These guidelines were drawn up to assist selection officers in the "final judgment" they must make when all factors have been assessed in connection with a prospective immigrant. Normally, an applicant who achieves the required number of units will be accepted, and normally those who fail to do so will be refused.

However, the regulations provide that this is not a rule to be followed slavishly, that there can be exceptions in both directions; in other words, a selection officer in special or certain circumstances can refuse an applicant who obtains the required number of points or accept one who falls below this number.

This, surely, is a reasonable provision and one which, in principle at least, most if not all members will accept.

It is clear that the exercise of such discretion must be based on good reasons of a substantial kind; furthermore, the reasons must be submitted in writing to, and approved by, a superior officer, who would normally be the officer in charge at a border crossing point or immigration office.

Selection officers are asked to take into account, in the case of overseas applicants and those at ports of entry who meet the norms of assessment, before making their final judgment, substantial legal, contractual or moral obligations which such persons may be under in their country of origin.

Such obligations could apply to persons against whom criminal charges are pending, persons who are heads of families and have deserted, persons who are separated or divorced and are not living up to their legal obligations to their families, persons who are leaving excessive debts behind without any arrangements for settlement and persons who are serving on an active basis in the armed forces of their country.

The guideline makes it quite clear both in content and in context that the final judgment of selection officers should be based on common sense, a positive rather than a negative approach and on a sympathetic understanding of human beings.

I believe our officers have taken a reasonable approach. That is borne out by the figures on the use of this discretionary power in 1968.

Last year, in Canada and at ports of entry this discretionary power was exercised in favor of applicants in 84 cases and against in only 11. These, by the way, are the offices at which most if not all U.S. military deserters would apply for permanent entry to Canada.

At overseas points, it was exercised favorably in 884 cases and against in only 137.

It should be noted that these figures, both in Canada and abroad, include all applicants for whom this discretion was exercised, of whom deserters make up a very small proportion.

This is the practice as it now exists. What I have done is to try to outline the history of the evolution of the practice up to the present time. As I have noted earlier on a number of occasions this policy is currently the subject of a detailed review. The objective is to find

a more acceptable way, if such is possible, of dealing with military deserters.

In any such review of current practice or policy on deserters a number of alternative courses of action present themselves.

One is to completely disregard active military service when examining prospective immigrants.

A second option is to return to the practice which existed prior to January 1968 and make active membership in the armed services of another country a bar to permanent entry to Canada.

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A third choice is to continue the present approach, or a variation of it.

Apart from these considerations, I should say that two features of our current approach are causing me considerable concern.

One is the heavy responsibility which immigration officers at points of entry and offices abroad have in refusing admission in what has become a most delicate, and controversial matter.

Even though the negative exercise of this discretion has been very sparing—at the most only 11 times in border points in 1968—and even though the decision must be concurred in by the superior officer, it may be that some other approach would be more appropriate. That is why we are reviewing the policy or the practice.

My second cause for concern is the fact that officers inside Canada are not required to exercise this discretion in the case of deserters, while those at ports of entry and offices abroad are. This is not an entirely satisfactory situation and in our review we are seeking a more balanced approach.

In conclusion on this part of my remarks I hope that the review of this delicate and controversial subject will result in a government decision in the near future.

In discussing different aspects of our policies and programs, I would be remiss if I did not convey the fact that this is, I feel, a highly appropriate time for a review, not of the fundamentals of the programs, but of the way that they function and the ways in which we can make them even more beneficial and worthwhile to the ordinary Canadian. The Department of Manpower and Immigration was established in December 1965. Most of its policies and programs are in large part relatively new. Until recently, it has simply not

been practical to think in terms of evaluating how they work and whether they work in the way we intended. The fact that a number of the important programs have been in existence for only eighteen or twenty-four months means that we have not yet accumulated enough experience for a full evaluation of them. Nevertheless, I have asked my officials to see that the necessary data for a calm and considered review of the impact of our policies be made available, and that an examination of their work take place.

I emphasize that I do not mean by this that I in any way question the fundamental basis of what we are doing; it is too evident that our programs are generally on the right track. The accumulation of experience in the last two or three years has certainly been enough to show that. I do mean that the programs have reached a state in their developments where it is realistically possible to assess what impact they have and I have asked that an assessment of the impact be made.

In my remarks today you will have noticed references to certain studies that I have asked be carried out. These are considerable in scope and will, I think, be most beneficial to the operations of the Department and its ability to satisfy the needs and aspirations of the Canadians whose interests in policies and programs they are designed to serve.

Without going into detail at this stage, I might say that we have initiated work in the very important area of cost/benefit analysis with particular emphasis on our newer programs of adult occupational training and mobility. As these analyses are completed, we shall be proceeding to cost/benefit analyses of other aspects of our operations. The Department has initiated what is called a "Longitudinal Survey" of immigrants. This consists of carrying out mail surveys to determine, over a three-year period, what the actual experience of 10,000 randomly selected immigrants each year entering the labour force actually is and what difficulties they encounter. Similarly, we are about to initiate a large-scale continuing follow-up survey of our Adult Occupational Training of graduates to gather further data on the benefits that they receive from the Program and their views on how we can improve them. The data from a pilot follow-up survey of these graduates, I might add, are most encouraging; they show an average increase of 20 per cent in

the earnings of the people we train and a very considerable reduction in unemployment. We are, as I mentioned, having a study made of the impact of the immigrant selection criteria and are investing considerable resources to provide better, more detailed and more rapid labour market information data.

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These assessments and the short and long-run forecasts of manpower needs are already enabling, and will in the future enable, us better to achieve the important national economic objectives that we seek to serve. The fruits of some of this work are already apparent in the improvements that I have been able to mention about the Mobility Program; I expect that before too much time passes our reviews and assessments will produce similar improvements in the other important areas of manpower and immigration policy.

In concluding, Mr. Chairman, I apologize to you and the Committee for the length of time that I have taken but I thought it was important especially to deal with a number of matters about which requests have been made for elaboration.

Mr. Lewis: Mr. Chairman, before you move on to questioning I hope the Minister will not take this as a criticism in the slightest, I appreciate he had a lot to cover and it takes time, but in view of the fact that the Minister has to leave at about eleven or slightly after eleven and I am sure there are a lot of people who want to ask him questions which are pretty important, I wonder whether it might not even make better sense to adjourn and have the Minister come back when he has more time instead of each one of us feeling under moral obligation to use the Minister's criteria, to rush the questions and so on. It is just a thought, Mr. Chairman. We have only about half an hour or less.

The Chairman: It is a very thoughtful suggestion but we all know how pressures of office are and I think that we should take advantage of this opportunity of having the Minister here. We can always proceed at another meeting in the future.

Mr. MacEachen: I will guarantee 45 minutes anyway but I have another meeting.

Mr. MacDonald (Egmont): Mr. Chairman, on a point of order is the Minister agreeable to coming back to another meeting.

The Chairman: Yes. He has already indicated that. We will proceed with the meeting and we have a number of items to cover. So far only three members have indicated their desire to ask questions and in order of indication they are Mr. Lewis, Mr. Knowles and Mr. Brewin and I will accept other questioners.

Mr. Thompson (Red Deer): The list I gave you at the beginning were all questions.

The Chairman: These are all questions, are they?

Mr. Thompson (Red Deer): Certainly.

The Chairman: Well then I will have to add these names, Mr. MacDonald and Mr. Thompson—I thought that Mr. Knowles had shifted sequence—Mr. O'Connell, Mr. Weatherhead and Mr. Prud'homme. I will accept questions on a rotating basis; that is, one member for each party so that every party will have an opportunity. Then I will come back again if that is acceptable to members. The first one on the list is Mr. Lewis.

Mr. Lewis: Mr. Chairman, the Minister did not intend to suggest that only 11 military deserters at points of entry were refused entry, did he? I gather that the 11 he mentioned were people who had been refused entry and whom he has record of because the matter came to the senior officer. You would not have any idea of the number of people who might not have reached that stage.

Mr. MacEachen: I have no idea of that. As I see the system working an immigration officer can admit any person who scores and meets the norms, but if he decides to turn a person back he has to secure the approval of his superior officers.

Mr. Lewis: Does that mean, Mr. MacEachen, that any one of your officers at the border can turn someone back without even assessing him under the various headings of the regulations, that that officer would be breaching some kind of direction from you or the department?

Mr. MacEachen: I would want to know the circumstances of each case. If an applicant withdrew his application at a certain point and said, "I do not want to proceed further".

Mr. Lewis: I am not talking about that.

Mr. MacEachen: This is a possibility. Normally the examining officer is expected when

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the application is made to assess the individual; that is exactly right.

Mr. Lewis: I am asking you if an officer does not do that; if an officer has this individual, finds out quickly that he is a military deserter and then says, "Go back home". Would that be a violation of his instructions?

Mr. MacEachen: I think that would be a violation. Yes, that would be the case.

Mr. Lewis: I understood that was the experience of the Glendon College students.

Mr. MacEachen: I do not know whether we can use the Glendon College case as a very valid illustration because, as I understand it, photostatic copies were used and normally photostatic copies are not very useful. I do not really feel that it is a very valid illustration or test of the situation.

Mr. Lewis: I would like to take, maybe some others will, 15 minutes to follow that point.

Mr. MacEachen: All right, we will discuss that.

Mr. Lewis: I think, Mr. MacEachen, I have seen enough evidence to persuade me that there were ten and twenty times eleven persons stopped at the border without anything coming to the senior officers of your Department.

Mr. MacEachen: Mr. Lewis, I have heard that statement made and I am very sincere about tracing any practice that is not in accordance with the regulations or the policy. I have invited anybody who has concrete cases—it seems to me the only way in this business to determine the facts is to have a knowledge of concrete cases. We will discuss any concrete case that has been brought forward.

Mr. Lewis: Fine. I leave it at that. Would you, Mr. MacEachen, please tell me or tell members of the Committee what section of the Act or the Regulations you thought permitted you to issue a directive about legal, contractual or moral obligations?

Mr. MacEachen: The general discretion, as you know, 32(4) of the Regulations, gives the examining officer or the selection officer the right to use discretionary authorities.

Mr. Lewis: Section 32(4) has nothing to do with that. You had better find out which section you are talking about, Mr. MacEachen.

Mr. MacEachen: Of the Regulations.

Mr. Lewis: Yes, yes. I am looking at 32(4). I have the Regulations. I just do not know what part of the Regulations the Minister is talking about.

Mr. MacEachen: The Immigration Regulations 32(4) reads:

(4) Notwithstanding subsection (2), an immigration or visa officer may
(a) approve the admission of an independent applicant who does not meet the norms set out in Schedule A, or
(b) refuse the admission of an independent applicant who meets the norms set out in Schedule A,

if in his opinion there are good reasons why those norms do not reflect the particular applicant's chances of establishing himself successfully in Canada and those reasons have been submitted in writing to, and approved by, an officer of the Department designated by the Minister.

Mr. Lewis: Well, Mr. MacEachen, what in heaven's name has this regulation got to do with the directive you have described? The only discretion that the officer is given is to use that discretion if in his opinion the applicant's chances of establishing himself successfully in Canada are slim or slight. What has the fact that a person deserted from military service in the United States got to do with his chances of establishing himself in Canada if he otherwise meets the criteria?

Mr. MacEachen: That is a different question.

Mr. Lewis: No, that is the question.

Mr. Orlikow: You do not want to listen to the question. That is the question Mr. Lewis asked.

Mr. MacEachen: The first question was: "What has this got to do with 32 (4)?"

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Mr. Lewis: What has your directive, which says that a person who has, to use your words, "a legal, contractual or moral obligation at home may not be admitted" to do with it? I appreciate it is not mandatory; you leave it to discretion—"may not be admitted". I am asking you what has that criterion of

legal, contractual, or moral obligation got to do with a person's chances of establishing himself successfully in Canada if the only thing that is taken into consideration is the fact that he has deserted his military service.

Mr. MacEachen: Mr. Lewis, the officer is asked, in the exercise of his discretion, to take certain factors into account. In all of the aspects of the Act, officers are given help by the Department. You are going to the very root of the question. The officer is given the discretion to determine whether active membership in the armed services will impede an individual's successful settlement in Canada. That is the point. He is given the authority to determine this under the guidelines. He is not instructed; he is given that authority.

You may have your own point of view about this; others have their points of view. There certainly is a body of opinion in this country which takes a different view. In this particular case, the officer has the discretion under the guideline. I have told you that I am quite concerned about this particular responsibility given to the officer; it is presently under very serious review, whether or not he should be asked to make this decision. If he takes the responsibility of sending back a person because he is a deserter, he has to seek the concurrence of the superior officer. That is the situation.

You are asking the general question, which is the great question of policy that we are now considering, whether or not a discretion of this kind should exist.

Mr. Lewis: I am not asking that, Mr. MacEachen. I am saying to you quite categorically that we disagree about this being a misuse of the power that the regulation provides; this regulation is an abuse of the English language. If it said that the officer has the discretion in a general way to decide whether or not a person should be admitted, then you would be right. When I first read it, it seemed to be a perfectly legitimate regulation. I am not objecting to the words of the regulation. However, someone may, in a technical sense, fulfil the required number of points, and yet may not be able to establish himself successfully in Canada. I find it difficult to understand how the objective can be made so subjective without destroying your entire structure; this is what it does.

I cannot understand how you can interpret this regulation to say to the officer that the mere fact of desertion, no matter how serious

one may consider it to be, no matter how undesirable one may consider it to be, the mere fact of leaving armed services in a country, any country, satisfies the requirement that he has no chance of establishing himself successfully in Canada. What possible logical, sociological or any other kind of relationship is there between the two?

Mr. MacEachen: I have stated in the House, Mr. Lewis, and I have also stated here, that there is certainly a body of opinion in this country, which considers that the fact that a person has deserted from the armed services of another country is not the best reason for his settlement in a new country. That is the crux of the issue.

Mr. Lewis: Mr. MacEachen, I think you are evading the point that I am sincerely trying to make to you. If you are saying that there is a body of opinion in Canada which feels that

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military deserters are undesirable as immigrants, I know that, even though I may disagree with it. If that is what you mean, please be honest enough to say so in the regulation, so that the officer will know exactly what we mean. The language that is being exposed is abusive, it is a tortuous way of keeping people out of the country. To me, that is assailable.

Mr. MacEachen: On the point at issue, Mr. Lewis, if a prospective immigrant is prepared to renege in his own country on substantial moral, legal or contractual obligations, there is a question of whether or not he will establish himself successfully in Canada, and meet the normal requirements of Canadian society.

In the case of the authority given to the immigration officer with respect to military deserters, I do not intend to be put in the position of arguing strongly against your opinion. I have taken the view and I have stated it more than once, that one of the great concerns which I had with this particular guideline, was the heavy responsibility which was placed on the officer. Whether or not we should ask officers to take this heavy responsibility on such a delicate, difficult matter is something that is now under intensive review. This is my general answer to your question. I am not going to be driven into taking an opposite position from yours, when the very point which you raised is causing me considerable concern. That is my point.

Mr. Lewis: I appreciate it. I will not take too long, sir. I was going to ask questions about the points, but I will leave that to others.

May I deal with this directive and its admissibility or productibility? Are you suggesting that there is not any distinction between making public an interdepartmental directive, and an instruction, which in effect sets out an interpretation of the law?

Mr. MacEachen: Yes.

Mr. Lewis: That is what your directive of July 29, 1968 is. It is an interpretation of the law and the regulations which your officers are told to make in the case of admissions, or which you give them the discretion to make in the case of admission. It does not make any difference.

Mr. MacEachen: Well it is...

Mr. Lewis: Is there not any difference between that kind of directive, which is in effect a regulation, and a directive which is purely administrative?

Mr. MacEachen: Are you now speaking about the Parliamentary production aspect?

Mr. Lewis: Yes, I am interested. I have a motion and therefore would be interested in discussing it with you. This directive is not an administrative one. It is not a purely administrative act. You sent out a directive to your officers which interpreted the law and said: "you may, in certain cases, interpret the regulations in this way."

Mr. MacEachen: The general regulation...

Mr. Lewis: Is it a legislative directive?

Mr. MacEachen: I do not regard it as such. I regard it as a directive intended to help the officer in administering the regulation. You know perfectly well that immigration, even at best, is a complex business. We have officers who are as far out as a border point in overseas offices, who need help. They are not all experts in the law, and they need help in administering the regulations.

The purpose of this guideline is to help the officer. I do not think that it negates the regulation. In my opinion, it is totally in accord with the regulation. It is perfectly lawful and it is not an abuse, in any way, of the regulation itself. The over-all discretion is there and all we are doing in mentioning these cases is giving illustrations of substantial moral, legal or contractual obligations.

Mr. Lewis: Would you not agree, Mr. MacEachen that you have used language which is not in the act or the regulations? You say, "If a person is under legal, contractual or moral obligations"—whatever moral obligations may mean—then "you take into account—" I cannot see anything in the act nor in the regulations which uses that language. Are you therefore legislating in the directive? You are not using language that is in...

Mr. MacEachen: I do not think that the question of language is important. It seems to me that it is going pretty far to suggest that you must use the same language in a guideline that is used in the law, or in the regula-

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tions. This regulation was passed in 1967; it has been made public, and it was obvious to everyone that an immigration officer was entitled to exercise over-all discretion in a very limited way. He can bring someone in who does not meet the norms. Yet he can keep someone out who meets the norms to provide some flexibility in the administration. He has that very strong over-all discretion that has been known and is in the regulations. In the exercise of his discretion we had issued him guidelines or aids—illustrations. Now he is still free to exercise the discretion, but if he does anything to upset the norm then he must refer to a superior officer and get approval in writing. It seems to me that the use of the discretion has been very sparing, and very limited, and mostly to the advantage of applicants, because many more applicants were admitted under the discretion than those who were turned away. The suggestion has been made and I repeat, that if people have been turned away under this discretion at the border then I would really like to get the evidence.

The Chairman: Mr. Thompson is next followed by Mr. Weatherhead.

Mr. Thompson (Red Deer): Do I understand that the Minister will be coming back at another time?

The Chairman: Yes.

Mr. Thompson (Red Deer): I would like to ask just one or two questions in regard to the discussion that we have had, not so much as to challenge the statement that has been made but to clarify a couple of points in your original statement, Mr. Minister.

It seems to me that in your effort to give your immigration officers some discretionary power and to be more lenient in interpretation of the regulations you are making trouble for yourself and causing a lot of adverse publicity which could be avoided if you were to stick to what was more or less a reasonable interpretation of regulations that exist.

You said in your statement, I believe, that no member of the military of any country are permitted to come in as immigrants unless discharged or with proof of imminent discharge. Is that correct?

Mr. MacEachen: That was the case, and that was the situation in all cases up until January 1968 at border points, within Canada, overseas.

Mr. Thompson (Red Deer): Would you clarify again the changes that you brought in as of January 1, 1968? I am not referring to the directive, I am referring now to the actual regulations.

Mr. MacEachen: The first change was made in January, 1968 with respect to persons who were in Canada as non-immigrants and who were members of the armed forces. Such persons were examined and if they met the normal immigration criteria they were admitted and landed.

Mr. Thompson (Red Deer): There you left yourself open for difficulty because any American who proceeds in his normal fashion to the border and says: "I am going up to visit my cousin, John Doe, in Canada" can come into Canada, he is allowed to stay as a visitor, and once he is here then he can apply and be admitted, whereas if he reveals his identity at the border, he might not be.

Mr. MacEachen: If he chooses to apply at the border he may or may not be admitted under the conditions I have described, because of the exercise of the discretion. That is the situation at the border and points overseas. In Canada there is no discretion—the officer cannot turn him back if he meets the norms. This is one of the problems within this situation that I find a cause of considerable...

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Mr. Thompson (Red Deer): Why did you change that regulation? Is it desirable that we should accept certain members of the armed forces of other countries as immigrants while they are still members of those armed forces, whether or not they are deserters?

Mr. MacEachen: Well, until January, 1968, as I have stated, the instructions were that no officer could land or grant a visa to a member of the armed services of any country without a proof of discharge or an imminent discharge. That was changed in January.

Mr. Thompson (Red Deer): Why did you change that?

Mr. MacEachen: I was not the Minister then. It was changed obviously in an effort to introduce a more generous approach.

Mr. Thompson (Red Deer): This is where I am in contention with the regulations...

Mr. MacEachen: Then, to follow up, the next change was in July, 1968 which was to remove the outright prohibition at border points and overseas and to replace it with this discretion. So from January, 1968 there has been—it is obvious from what I have said—a gradual easing of the restraint against the admission of members of the armed services of other countries.

Mr. Thompson (Red Deer): I would just comment that it seems to me that if a citizen of another country has a contractual agreement with his own country, whether he wants to get out of it or not, it should be completed before he is allowed to come in as an immigrant—unless it is for political asylum or for some such reason. The reason you are in trouble now is because you are trying to shade the issue.

Mr. MacEachen: I think the questioning has exposed the difficulty. Mr. Lewis has taken the view, to which he is entitled, that membership in the armed services has no relevance to the successful settlement in Canada, and you have taken the opposite view that it is a very relevant consideration.

Mr. Thompson (Red Deer): You see, it is an altogether different situation when a person comes up here legitimately, presents himself as a landed immigrant by request, and may have the threat of a draft call sometime in the future. He is not outside the law, he has no commitment to his country, it is an altogether different situation. I agree with the policy as far as a potential draft dodger is concerned, but you are just making difficulty for yourself, you are blurring the reputation of the country, stirring up a lot of unnecessary controversy by trying to be lenient where I do not think that leniency is called for. Whether a man has this contractual agreement is the source of the controversy.

The Chairman: Do you have any further questions?

Mr. Thompson (Red Deer): I have another question I would like to ask and if the Minister does not have the information he could make it available at some other time.

How many American teachers at high school or university level have immigrated to Canada during the past year? Do you have such records?

Mr. MacEachen: We can bring you that information.

Mr. Thompson (Red Deer): I have another question. Is there an arrangement with the Department of National Revenue which provides for income tax allowance for teacher immigrants coming into this country and, if so, for what length of time and on what basis?

The Chairman: That question should be addressed to the Department of National Revenue.

Mr. Thompson (Red Deer): No, it has to be an agreement with Immigration. I can ask National Revenue but it seems to me that they are not going to make such an arrangement unless it is done in agreement with the Department of Immigration.

An hon. Member: Mr. Chairman, could we deal with that question when we come to Vote 15 on Immigration rather than on Vote 1, General Administration.

Mr. Thompson (Red Deer): I have one further question, Mr. Chairman.

The U.S. Immigration regulations have been changed during the last year or two to place a quota on all immigrants coming into the United States from the western hemisphere. As a result the number of Canadians allowed to go to the United States has been decreased, working a very definite hardship on many Canadians who may have legitimate reasons for going there. Have any steps been taken by the Immigration Department to try

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to work out a more lenient situation in so far as Canadians are concerned which would be more in line with our own policy regarding Americans?

Mr. MacEachen: The Immigration Department itself would not undertake any discussions. Discussion on these points would be conducted through the Department of Exter-

nal Affairs. Certainly we have had discussions with External Affairs and I think that they have had discussions with the United States, but I will check on that second point for you.

Mr. Thompson (Red Deer): I will just cite one example which I think would emphasize the necessity of establishing some different, more satisfactory arrangement. A member of a Canadian industry was transferred to a different position in the United States as a promotion and for further training. He was reassigned and someone was put in his place. When he came to apply to go to the United States for immigration status, he was rejected; at least he was put off for a year. He lost his job and was left in a very difficult situation simply because the pressure on the quota was such that there was no opportunity for him to go. This applied to a number of other Canadians who are in advanced study in the United States and whose families, for reasons of work, would like to go as landed immigrants for the time they are down there and it is not possible for them to come in. It seems to me that we ought to be making some kind of protest or making some different arrangements, as far as reciprocal policies are concerned, with United States immigration.

Mr. MacEachen: As a country and as a government, and I think it has wide support, we have embarked upon a nondiscriminatory universal immigration policy and we examine the individual and accept him at the present time regardless of any quotas.

Mr. Thompson (Red Deer): Mr. Minister, I am not talking about discrimination; I am talking about a quota system. We have quota systems, too, even though we cannot identify them just as such. We do not take all who come, even though they qualify.

Mr. MacEachen: Not on the basis of a quota, but on the basis of our selection criteria. It seems to me that a reciprocal arrangement with any country on a *quid pro quo* basis would not be in accordance with a universal immigration policy.

Mr. Thompson (Red Deer): I will not argue the point but I am not talking about qualification or discrimination; I am talking about quota arrangements. It seems to me there ought to be a different policy on the other side of the border in view of our policies on this side of the border and that our government ought to be doing something about it.

My time has gone now, Mr. Chairman, on this one. I will come back when the Minister is here again.

Mr. Weatherhead: Mr. Chairman, the Minister knows my view, that I believe that the fact that a potential immigrant is serving in the armed forces of another country should not be considered at all in assessing whether or not he would make a good Canadian citizen here. However, since the Minister's time is very short today and since Marcel Prud'homme is the chairman of our caucus study group on immigration, I would like at this time to pass to him to take up the balance of our time.

Mr. Prud'homme: I am not the chairman of the caucus policy on immigration, but of a special committee on draft dodgers and deserters. I might have a lot of questions for the Minister today, but before I ask them I would like to make a plea to my colleagues on this question of deserters—not draft dodgers because I see no problem there. Regardless of the past, regardless of whether before or after the January 1 regulations; regardless of the interpretation given by Mr. Lewis or Mr. Orlikow or the Minister of Section 32(4); regardless of the discussion that we might have to reconsider, as Mr. Thompson said, contractual obligation—I believe he meant moral obligation . . .

Mr. Thompson (Red Deer): No, contractual.

Mr. Prud'homme: Contractual. If we want to come up with new regulations and if we want to ask the government and the Minister through Cabinet for new regulations concern-

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ing a clear policy on deserters, it is my view that we could lose a lot of energy and a lot of time asking for a general debate on guidelines or so-called guidelines, or on why there was a change after January 1 and what happened on July 29. As far as I am concerned I make my point very clear today before asking questions. I do not intend to participate too long in that debate because I see that we will never solve the actual problem of deserters in Canada as to whether they are welcome or not; whether we are going to accept them or not. My point has been made very clear, with due respect to some of my colleagues who disagree with me in my caucus. I do not say it is unanimous in our Liberal caucus, in our Liberal ranks, but we do need as soon as possible a policy on deserters in Canada. As I said earlier, I do not intend to participate in

this debate because I could start arguing with Mr. Lewis, as I was about to do earlier, on his interpretation of Section 32(4) and find new arguments in support of the Minister or in disagreement with him, but I feel that I would not be contributing anything to this cause, together with some of my colleagues, with many of the NDP, I am sure, and some of the Conservatives, even though there are fewer there, I think, of what we are going to do with the deserters. There is a growing problem in Canada concerning the deserters and that will be my line of questioning to the Minister. One of the questions I will ask the Minister is: would it be possible to proceed more rapidly with this special question of deserters? I am thinking, for instance, of the possibility of giving more rapidly a temporary working permit to those who are at the moment waiting either for special inquiries, for their first assessment or for an appeal.

Mr. MacEachen: I think that our best approach to any problem affecting any class of immigrants is to try to speed up our procedures. For example, if the person goes before a special inquiry, there are delays because of the shortage of staff, the inability of our immigration staff to service all these inquiries. We have discussed this and we are considering now methods by which we can speed up as much as we can the special inquiry procedure.

Mr. Prud'homme: Mr. Minister, during the Czech crisis in December, having seen the fantastic work done by the Department of Immigration; having seen the efficiency of our Department of Immigration—I think they should be congratulated—in assessing these people so rapidly; having seen special immigration officers coming from all over the world to help the Czech refugees proceed to Canada more rapidly, is it not possible to have that same kind of rapid processing in the case of the deserters?

Mr. MacEachen: The Czechoslovakian case was a special case. It was the case, as you know, of an invasion, the results of which were uncertain. Many thousands of Czechs who were out of the country did not return and others who were in left, and we adopted a policy similar to the one we adopted with the Hungarians. We waived our normal immigration requirements because of the refugee condition. I do not regard a person from the

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United States as a political refugee in the sense that the Czechoslovaks were political refugees.

Mr. Prud'homme: Because of the very sad situation, which I have seen personally, of some of the deserters in Canada—and I understand all the implications, our friendship with the States and so on—I am concerned with one problem: whether we consider them refugees or not, there are hundreds of them in Canada in a very bad situation and expecting Canada to understand their situation. I wonder if the Department could not set aside their rules and find possibilities to protect these people. I am ready to go along with the Department, with the Ministers and, I think with the majority of the people in saying that if they keep our regulations then we will keep them in Canada, but this long waiting period that many of them are encountering at the moment makes their cases become more and more desperate every day.

Mr. MacEachen: Mr. Prud'homme, I appreciate the point you raised. We want to treat an applicant in Canada who may be a member of the armed services as speedily as we do the others. I would find it difficult to make special arrangements for one category of immigrants who were awaiting clarification of their status in Canada if it was not the policy of the Department to issue a work permit until the status of an individual had been clarified. In my opinion we would not be justified, if we created a special arrangement for one group of applicants within Canada with respect to work permits. I think if I did it in one case that in fairness I would be obliged to do it in all cases. I want to undertake to rapidly speed up, if possible, the processing of these special inquiries and then the Board. You understand the implications of .

Mr. Prud'homme: May I ask the Minister a supplementary, and it will be my last for this morning. Do you have the assurance of your Department that there will be no undue delay in the case of deserters? The Minister says that he does not want to create any injustice to people by proceeding with other applications more rapidly, but do you have the assurance of your Department that there will not be undue delay because of the fact that they are deserters, and the waiting time would be longer for them than it is for the others.

Mr. MacEachen: Yes, I would take a very dim view of an officer of the Department delaying the treatment of an application—any application—because of a particular status. My instructions to the Department are to treat an applicant within Canada who may be a member of the armed services as quickly and as fairly as any other applicant. Within the last few days we have had discussions on this very point and I have received assurances with respect to deserters that no effort will be made to hold them up or to starve them out, as has been suggested. We have a policy of admitting them within Canada, and as long as that policy prevails it is our obligation to treat them as fairly as we treat every other person who applies in Canada.

The Chairman: Are there any further questions?

Mr. Prud'homme: That is all for me this morning.

Mr. Brewin: Mr. Chairman, I would like to ask the Minister one question on the point which Mr. Prud'homme raised, and that is...

Mr. Prud'homme: I am sorry, I thought the Minister said he had to leave.

Mr. MacEachen: I said I would leave between 11 and 11.30. I would like to give you a first round at least so that you can ask your major questions on this subject. I will stay until 11.30 at least.

Mr. Brewin: The question I wanted to ask, which arises from Mr. Prud'homme's question, relates to people, whether they are deserters or otherwise, who have had a special inquiry held and are awaiting the results of an appeal. Is it the policy of the Department to give them work permits? I believe it is and I would like to know if that is the situation.

Mr. MacEachen: Yes, it is.

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Mr. Morrison: I might say, Mr. Chairman, that if matters have reached the stage where someone has been ordered deported in the field, then the officers in the field are instructed to give them permission to work pending the hearing of the appeal. This policy has been in existence for at least 12 months.

Mr. Brewin: I just wanted to be sure of that.

Mr. Morrison: Oh, yes.

Mr. MacEachen: And with respect to the inquiry.

Mr. Morrison: Up to the point when the inquiry is actually held. This is not automatic, it would depend upon the individual circumstances and how long it may take before we can arrange to have a special inquiry officer available.

Mr. Brewin: Thank you very much. I want to put two questions—and they are perhaps really more representations than questions—with regard to the basic policy in respect to deserters. I want to ask the Minister if he does not think it is a reasonable view that a decision to desert on political and religious grounds may be made by people of the highest moral sensitivity, especially when you have wars such as the Viet Nam war, which some people think in good faith and in their own country is an unjust or a colonial war, or a war such as a country like Portugal is waging in Africa. Does the Minister not recognize that people of the very highest calibre may be included amongst those who resist the compulsory obligation to military service.

Mr. MacEachen: I would not contest the fact that there are strong moral convictions in this field. I am not going to comment on the American situation, but in general I would say that there are reasons of conscience. As I understand it, they are admitted in the United States but I am sure they can still arise after a person enters the service.

Mr. Brewin: Perhaps I could mention the case of a Portuguese officer who fought with distinction in the colonial wars and came to this country and was admitted.

My next question along that line is if the government, in coming to long-term policy in regard to this matter, will give consideration to the very long political traditions in both this country and in the United Kingdom of admitting as political refugees those people who resist military duties in what they consider to be unjust wars. Will consideration be given to that long-established tradition?

Mr. MacEachen: Of course consideration will be given to it. I would not like the Department of Immigration as a Department to have to be responsible for determining the justness of any particular war in the administration of a policy. I think it would have to be sufficiently general so that the Department would not be obligated to make a decision of this kind.

Mr. Brewin: I would simply accept that situation. I would not expect your Department to determine the justice or injustice of a particular war. What I meant was the tradition of recognizing that there are people and giving—do you have something you want to say, Mr. Thompson?

Mr. Thompson (Red Deer): Yes. I am not arguing with you, I was just questioning who judges what is just or unjust so far as war is concerned.

The Chairman: You will have your turn in a moment, Mr. Thompson. Please allow Mr. Brewin to finish his discussion.

Mr. Brewin: I was not complaining. I just wanted to know if somebody else was taking the floor in my place.

Mr. Thompson (Red Deer): I was having a one-sided conversation with a fellow member of your Committee.

Mr. Brewin: I see. That is a dangerous thing for you to get into.

Mr. MacEachen, the point I wanted to make was not a determination of whether it was a just or an unjust war, but recognition of the tradition that people who object to military service have been admitted into this country and into other countries such as Great Britain on the basis that they are in effect political refugees. This is something that has been recognized for generations.

Mr. MacEachen: Yes, and we still recognize that tradition. I think it was very well exemplified in the case of the Czechoslovaks. There

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have been other cases of this. For example, we had representations from the Canadian Jewish Congress, with respect to the situation in Iraq. We look at these matters in a very sympathetic way, naturally.

Mr. Brewin: Would it not be advisable then in respect of those who have fallen into trouble with the military laws of their country to have it clear in the regulations, not in any indirection by directives or anything of that sort, what the law is in respect of that?

Mr. MacEachen: It seemed to me that it would be very difficult in the administration of any policy to attempt to draw a line between a person who deserted from a military service for moral or conscientious principles and a person who may have deserted

for other reasons. You would understand the difficulty of that. How would it be possible for us to assess in each particular case the motivation of the person? For example, in the case of the Viet Nam war, if you talk about unjust wars, we would not presumably by admitting military deserters be making a judgment on the war, would we?

Mr. Brewin: No, Mr. MacEachen, I am not suggesting that. I am suggesting that if one recognizes there are a considerable number of genuine political and religious objectors to military service, then one has to accept all people in that status rather than attempt to discriminate between the good and the bad cases.

Mr. MacEachen: I think it would be ideal to have a clear-cut policy one way or another.

Mr. Thompson (Red Deer): On a point of order, Mr. Chairman, if we are on a second round and the Minister has kindly agreed to stay on longer, should we not go around the second time?

The Chairman: Yes, as soon as Mr. Brewin has finished; then we have Mr. MacDonald and Mr. Weatherhead.

Mr. Thompson (Red Deer): We have six minutes left.

Mr. Brewin: You are taking up some extra time yourself.

Mr. Thompson (Red Deer): We will add it up and find out what the total is.

The Chairman: Order, please.

Mr. Brewin: I wanted to switch to another subject and perhaps it is impossible to examine it at length now. I want to go to this whole question of the point system, and particularly the point system as it relates to occupational demand, and whether proper disclosure is being made to applicants of the basis for setting the occupational demand. I want to take up with the Minister another problem which is the problem of the immigration Appeal Board. I have my view and I will make it known in a brief representation now so the Minister may perhaps be able to think about it.

The Immigration Appeal Board should have at least as much jurisdiction to overlook the point system when a person can clearly in his judgment establish himself successfully in Canada, as any immigration officers scattered around the whole world as the Minister says

many of our immigration officers are. I want to suggest to the Minister that there should be an amendment to the Immigration Appeal Board Act to deal with that. Because of pressure of time I will not attempt to talk about those things now.

Mr. MacEachen: We can go into that later.

Mr. Brewin: I give the Minister notice that I want to question him on these issues because I think with regard to this question of deserters there are very important matters of principles involved. I think these other questions affect the whole administration and serious difficulties have arisen at the present time in regard to these matters.

Mr. MacEachen: I want to say at this point, Mr. Brewin, that I certainly would appreciate any comments of any member of the Committee on the operation of the system. I certainly do not regard it as the last word. I think it was a good system but it certainly can be improved.

Mr. Brewin: I will not ask any more questions now, but I would like to get back on the list and I am desisting not because of Mr. Thompson's interruptions.

The Chairman: Thank you, Mr. Brewin.

Mr. Thompson (Red Deer): You have already taken 35 out of 60 minutes.

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Mr. MacDonald (Egmont): Mr. Chairman, first of all I would like to follow up a comment or two that has been made earlier here today with respect to the basic question of whether or not we should be admitting specifically these people who are military deserters. It has been suggested we are in the tradition of the United Kingdom. I would suggest there is a tradition that is even a century older than this nation on this part of the continent.

Canada has been a haven of refuge for people beginning with the United Empire Loyalists, all of which we regard now as outstanding stock, on through the American civil war and the migration through the underground railway of many people during the time of the abolition of slavery, through to this century when we have accepted people from many countries in Europe and elsewhere.

I think the right of refuge is one of the basic institutions that this nation is founded

upon and one which should not be forgotten in any review that is carried by your Department.

I think the question before us today has been a very confused and muddled one, if I may say so with charity, because the policy or the directives of the Department have been specifically confused and muddled. Earlier when you indicated that one kind of situation applied a year ago when you were at the border, and another applied if you happened to be at an immigration station in the country must surely indicate to most people that this whole question has been treated in the most ambivalent sort of way.

It is no wonder that you, sir, and the members of the Department have been reluctant to talk about or expose the specific documents in question when it would indicate the complete contradiction that has existed with regard to this policy. I suppose it is the reason why your language was so intemperate when directed towards the Moderator of the United Church.

Some hon. Members: Oh, oh!

Mr. MacDonald (Egmont): I do not hold any particular course with the United Church even though I am a dues-paying member.

I would like to deal specifically with one question which I think will be vital to the resolution of this problem. I am fairly new at this game so I do not fall down flat every time somebody says that something is obviously privileged and cannot be produced. I would think something as important as this guideline, or directive, or operating instruction, or whatever it is of July 29 is something that the Canadian people have a right to see. I, for the life of me, cannot understand why we have to go through this kind of shadow boxing about whether or not the Parliament of the country, that is, the people of the country, cannot see the way in which an act vital to the admission of individuals to this nation cannot be known in its entirety.

It has already been clearly stated both in this Committee this morning and by a number of representations to you, sir, that there is a good deal of concern and disquiet about the way in which people are being accepted or refused admittance to this country. They related this concern directly to one directive that was issued by you, I would imagine, or by your Department at the end of July.

I cannot see, if we believe that this is a just society or an open society and not a

secret society, how there should be any conceivable opposition to putting this guideline out so that there can be full public debate and decision. Surely the Department is not in its review simply going to question itself. It surely wants to know what the mind of the Canadian people is in this regard. I cannot see how, if you believe that democracy is still functioning in this country, you can refuse to produce that document.

It is not good enough for us to have, as you indicated earlier, a verbal excursion in order to occasionally hit upon something which might or might not be in the directive and for the rest of our days to be guessing about what was really in it. If it has had the effect, as you have indicated very clearly this morning, of adding considerable interpretation to the regulations as they are stated, it is not only your duty, but it is Parliament's right to know what is in that directive.

Mr. MacEachen: Mr. MacDonald, I made no such statement that we added a considerable interpretation.

Mr. MacDonald (Egmont): It was a legal, contractual, and moral obligation, something which I have found nowhere in the reading of Section 32(A) of the Immigration regulations this morning. Surely this is a considerable development of, quite frankly, issues that I do not think at all are implicated in that specific regulation.

I am not a Parliamentary expert nor am I a

• 1130

lawyer, but I think there are fundamental rights that both Parliament and the people have. One of them, surely, is that on major questions, and surely the question of immigration to and from a nation is a major question, people have a right to know. I would suggest that our discussion in this Committee, or your dialogue with the people of this country will be very insufficient unless they have a right to know what, in fact, the real facts are; and we cannot unless we have this document.

Mr. MacEachen: Mr. MacDonald, there is only one comment. I have stated more than once that I have no personal objection so far as the content is concerned, but it has been a very long-standing practice, not of this government, not of this Parliament, but for many parliaments, and it has been tested in the House more than once, that confidential instructions from a superior officer to a

subordinate officer, communications within a department, are privileged.

I think that in considering this case you have to consider the whole gamut of the government and whether or not it is possible to conduct a public administration when documents within a department are made public. That is the only point. You can contest that issue and I think you are entitled to do so. If you say that everything ought to be made public, I think we would have very serious...

Mr. Lewis: No one said that.

Mr. MacEachen: I do not see how you can draw a line and say that this case is going to be made public and this case will not be made public.

Mr. MacDonald (Egmont): You have made the case. You are making the case now that privileged papers is a long standing tradition that has not been violated by the Parliament of this country. I cannot document whether or not that has occurred in the past years, but this I would say: if that is a basic tradition of this country, there is an even more basic tradition and that is the right to know—public interest. I think that is what we are in danger of violating by clinging in this case to the response that this is something we do not normally do.

I have been in this place only about three and one half years but I have known that when public interest was at stake this did not prevent us on occasion from making exceptions. And I would say to you, sir, that this is an exception that is fully justified. I am not saying it simply because I am here as one member of this Committee or as a member of the Opposition; I am saying it because many public bodies and individuals in this country have said this in one way or another.

I find it difficult to believe that you would see yourself exercising your duties responsibly and preventing people of this country from, in fact, knowing what these specific guidelines and directives are.

Mr. MacEachen: When is the question coming?

Mr. MacDonald (Egmont): The question is this. You have suggested earlier today that there is in progress a full scale review.

Mr. MacEachen: Yes, there is.

Mr. MacDonald (Egmont): However, in the same breath, or in an earlier breath, you

suggested that there had only been 11 cases where people were referred higher to see whether or not the decision by the local immigration officers was right.

Mr. MacEachen: That is at the border points.

Mr. MacDonald (Egmont): It does seem to me there is some contradiction in the fact that there is a full review going on and you seem to indicate that there really is not much of a problem. Is there a problem or is there no problem? If so, is it extensive enough both for the public to be involved and for this Committee hopefully to hold a series of hearings on this question?

Mr. MacEachen: The public has been involved, the House has been involved and the Committee is now involved. I have been frank with the Committee, I think, in telling the Committee what I felt were the two areas of concern: First, the discretion we have given to immigration officers on this matter, and that has caused me concern from a very early date, much before any public clamour arose; second, what you, I think, properly can describe as an ambivalent policy, because there is one way of treating applicants in Canada and another at the border points.

I do not want to give Committee members any feeling that there is no sharing of the concern on these two points. That is why the review is under way. I hope it will resolve this problem or at least result in a better system than we have at the present time. That is all I want to say on it.

Mr. MacDonald (Egmont): I have one final short question because I know there is another member who would like to ask questions.

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Since the guideline was issued on July 29, I think it was, to the immigration officers, have any further instructions of this nature or related to this been issued?

Mr. MacEachen: No.

Mr. MacDonald (Egmont): So that guideline of July 29 still stands as is; is that correct?

Mr. MacEachen: Yes.

Mr. MacDonald (Egmont): Fine, thank you. Mr. Chairman, may I just direct a question to you and ask you whether it is your plan or the plan of the steering committee to allow the opportunity to others who have already asked to appear before this Committee to

make representations on the question with which we have been dealing with the Minister this morning?

The Chairman: I think we have a steering committee in charge of whatever agenda is to be placed. We have the Estimates of the Department to go through. There has been some clear expression of opinions to us on these subjects, at least from those who feel very strongly in favour. I do not know whether the hearings will discover new material that we do not know of yet. Therefore, I would like to think about it and perhaps call a meeting of the steering committee.

Mr. MacEachen: Mr. Chairman, if you will excuse me for one moment, I have copies of the major statement I made and there is a note on page 10 which refers to a marginal note which you can disregard as it was an internal point about clearing something and is not germane.

An hon. Member: You have aroused our curiosity.

An hon. Member: We are not privileged, are we?

Mr. MacEachen: It is just a question of a certain policy that we had before the council and which was approved, and there was a note there to make sure before reference was made to it that it had been approved. That is all. It has been approved, so all that is in the statement is valid.

On the second document which I read to you on the deserter question, it is not in this major one but it will be made available to you later in the day.

The Chairman: Thank you.

Mr. Lewis: Are you going to leave now?

Mr. MacEachen: I would like to leave, if I may.

The Chairman: Could we complete the round once more? Either Mr. Prud'homme or Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, I had a chance to make a brief statement when the Minister extended his time. I would be willing to wait until the next meeting to pursue my questions. Mr. Chairman, I see Mr. Roy has not had a chance to say anything. Perhaps he may have a moment before we adjourn.

Mr. Roy (Timmins): I have two very short questions. To clear all the verbiage that we have heard this morning, Mr. Minister, could you tell us with regard to this contentious issue of the discrimination or the discretion of the officers regarding deserters, how many actual cases of individuals, with concrete evidence, have come to your attention or to the attention of your officers?

Mr. MacEachen: There have been very few. There was a delegation some time ago which presented us with affidavits relating to certain cases which we have analysed. We would be happy to give our opinion of these.

Mr. Orlikow: We will give you the opportunity.

Mr. MacEachen: There have been very few cases in relation to the magnitude of the allegations.

Mr. Roy (Timmins): Would it be 10?

Mr. MacEachen: Twenty?

Mr. Roy (Timmins): Ten.

Mr. MacEachen: It would be less than 20 certainly; perhaps the valid cases are less than 10. Perhaps there are no valid cases, but we would want to demonstrate that.

Mr. Roy (Timmins): In effect we are speaking of a very few cases that are evident.

Mr. MacEachen: It is obvious in this great debate about the discretion which has been exercised that it has been exercised very sparingly in rejecting 11 cases and receiving 80 or so. That is a pretty limited discretionary authority in its exercise. The principle may be another matter.

Mr. Roy (Timmins): Could you give us any indication of the time at which we might expect a decision on your review of this particular situation?

Mr. MacEachen: I hope very quickly.

The Chairman: Before the Minister goes, would it be the desire of the Committee to proceed perhaps with the portion of the Estimates dealing with Manpower so that we can proceed with our work; then, when we have

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our next meeting we shall continue on the portion of the Estimates dealing with immigration? May we proceed with Manpower? We have the officials from the Department. You can ask the questions that you wish to ask and we can perhaps proceed for some time.

Mr. Orlikow: Mr. Chairman, some of us who have discussed this question quite frequently, I know myself and Mr. Brewin have, realize that we will not be discussing anything but the question which has had all this public attention. If you want to discuss this I think we should have a chance to get the material which we have and discuss it. I do not see any point, Mr. Chairman, in discussing this whole question of manpower policy and manpower training except in a separate session where we have the time to do this properly.

The Chairman: Is it your wish that we adjourn? We should have full support on this. This is the question of retaining it. Is Mr. Orlikow's point shared by Mr. Brewin or Mr. Broadbent? Do you feel that we cannot go ahead with Manpower?

Mr. Broadbent: I would favour adjourning, Mr. Chairman.

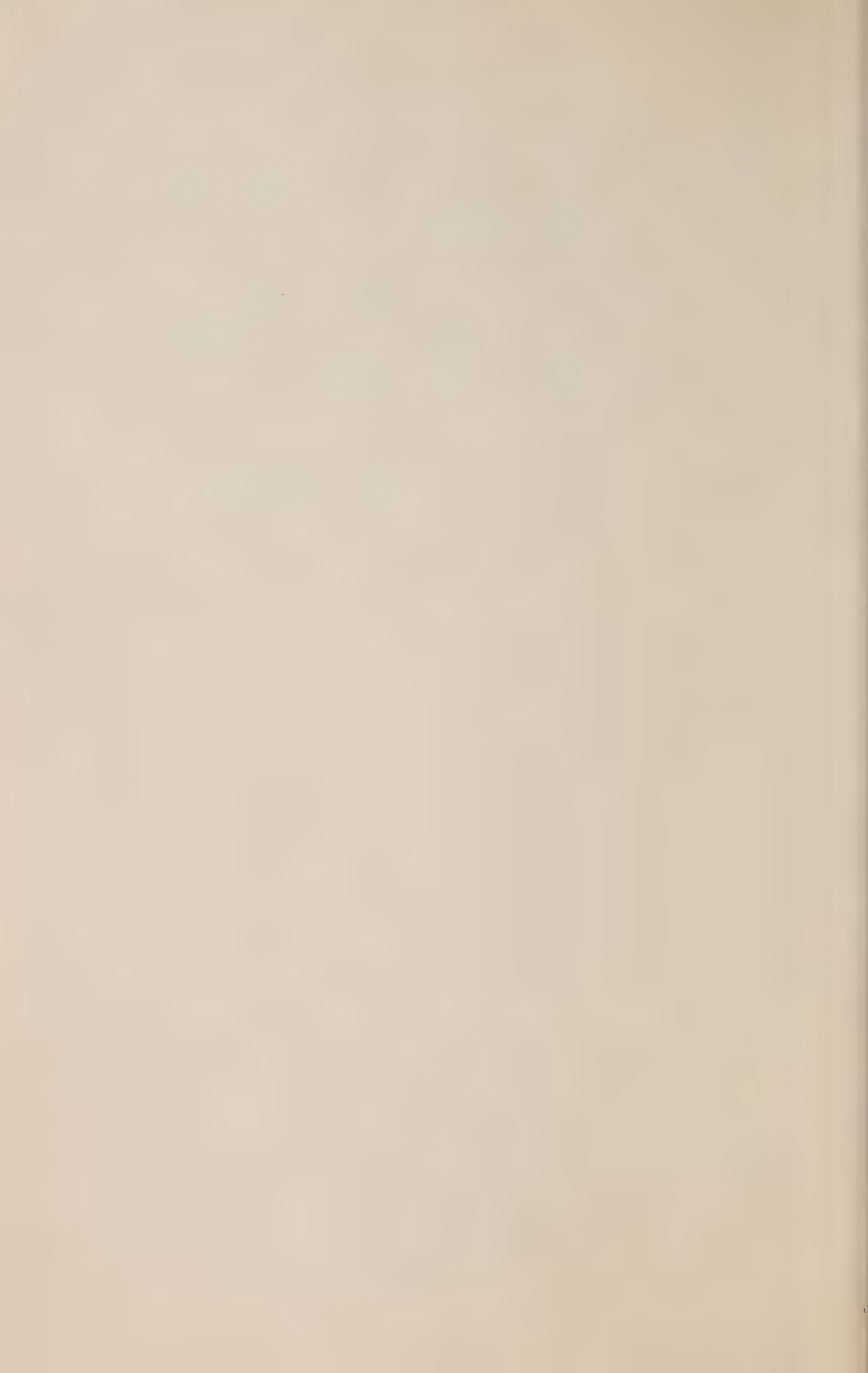
Mr. Loiselle: Mr. Chairman, perhaps for now you could meet with the Steering Committee and decide the procedure for the next meeting. I would vote that we adjourn.

The Chairman: I can see the difficulties, and also we are short of a quorum. There is no need to get into a discussion and then not be able to call the vote. May I make the following announcement. On Tuesday morning we shall have the next meeting of this Committee dealing with Labour and the balance of the Labour estimates. We discussed the UIC at the last meeting and we still have some items on Labour. This meeting with respect to Manpower and Immigration will continue in session next Tuesday morning. At that time we will have the Minister with us.

You will receive the usual notice in the mail.

Thank you, very much.





HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968-69

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JUN 19 1969

STANDING COMMITTEE

ON

**LABOUR, MANPOWER
AND IMMIGRATION**

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

TUESDAY, MAY 13, 1969

Main Estimates (1969-70) relating to the Department
of Labour.

INCLUDING FIFTH REPORT TO THE HOUSE

WITNESSES:

(See Minutes of Proceedings)

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman:

and Messrs.

Alexander,	Jerome,	O'Connell,
Badanai,	Loiselle,	Paproski,
Brewin,	MacEwan,	Prud'homme,
Broadbent,	McNulty,	Roy (<i>Timmings</i>),
Dumont,	Muir (<i>Cape Breton-</i>	Thompson (<i>Red Deer</i>),
Knowles (<i>Norfolk-</i>	<i>The Sydneys</i>),	Turner (<i>London East</i>),
<i>Haldimand</i>),	Murphy,	Whiting—(20).

D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b)

Mr. MacEwan replaced Mr. MacDonald (*Egmont*) on May 12, 1969
Mr. Broadbent replaced Mr. Lewis on May 13, 1969
Mr. Turner (*London East*) replaced Mr. Serré on May 13, 1969
Mr. O'Connell replaced Mr. Weatherhead on May 13, 1969
Mr. McNulty replaced Mr. Penner on May 13, 1969

REPORT TO THE HOUSE

WEDNESDAY, May 14, 1969.

The Standing Committee on Labour Manpower and Immigration has the honour to present its

FIFTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following items listed in the Main Estimates 1969-70:

Votes 1 and 5, relating to the Department of Labour.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 10*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

MINUTES OF PROCEEDINGS

[Text]

TUESDAY, May 13, 1969.
(11)

The Standing Committee on Labour, Manpower and Immigration met this day at 9:45 a.m., the Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Badanai, Caccia, Dumont, Knowles (*Norfolk-Haldimand*), Loiselle, MacEwan, McNulty, O'Connell, Prud'homme, Roy (*Timmins*), Thompson (*Red Deer*), Turner (*London East*), Whiting—(13).

Also present: Mr. Knowles (*Winnipeg North Centre*).

Appearing: The Honourable Bryce Mackasey, Minister of Labour.

Witnesses: From the Department of Labour: Mr. A. D. Love, Deputy Minister; Mr. J. H. Curry, Director, Accident Prevention and Compensation; Mr. J. P. Duprés, Assistant Deputy Minister.

The Committee resumed consideration of the Main Estimates 1969-70, of the Department of Labour.

On item 1, the Minister made a statement and, assisted by Messrs. Love, Curry and Duprés, answered questions posed by the Committee.

After discussion the following items were carried:

Vote 1, Departmental Administration \$8,997,000;

Vote 5, Grants and Contributions \$440,000.

At 11.00 o'clock a.m., the Committee adjourned to Thursday, May 15, 1969.

D. E. Levesque,
Clerk of the Committee.

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EVIDENCE

(Recorded by electronic apparatus)

Tuesday, May 13, 1969

● 0947

The Chairman: While the quorum is building up we shall start the meeting. We shall proceed with the Minister's statements without delay. We have another meeting taking place in this room at 11 o'clock.

Hon. Bryce Mackasey (Minister of Labour):

Mr. Chairman, I had a rather lengthy statement in view of the fact that there has been very few opportunities for the Minister or the Department of Labour to be very explicit in the House of Commons. However, I think in view of the fact that there is another Committee coming in an hour and ten minutes I might just read one or two sections of the statement and then release it to the press or to members around here.

Mr. Prud'homme: Since the Minister is going to read just part of it, may we ask to have this printed?

Mr. Mackasey: Yes. We will be glad to do that.

Mr. Loiselle: Can we have a copy of it?

Mr. Mackasey: We had hoped to read it in and then you would all have had a copy. If you bear with us, within the next day or two we will have copies for everybody. We will get the translation.

An hon. Member: We will get it on the Proceedings anyway.

Mr. Badanai: Yes, but the Proceedings always take a few days to get.

Mr. Mackasey: Let me say there is nothing controversial in here. Your questions may bring it all out anyway, but I do not want to be accused of contempt by releasing it to the press without you people seeing it. The first few pages cover basically the philosophy of the Department, what our role is, what it should be, and where we are not fulfilling it. I have some rather pertinent things to say on it.

I am saying that these are some of the steps we are about to take this year other than the strike area, which the Department always gets tagged with in the sense that the public usually associates the Department of Labour strictly with the question of strikes and labour unrest, whereas our function as you will see in a few moments goes well beyond that particular area.

We think we must take positive action to greatly improve the quality of effective dialogue between labour, management, and government. This, as you will see as we proceed through the Estimates, involves a multiplicity of interlocking initiative. Possibly the most publicly obvious of these initiatives is our intention to sponsor a national tripartite conference here in Ottawa, October 27-29 inclusive, to which will come some 200 senior representatives of labour, management, and government.

● 0950

This conference, the first of its kind in Canada, will not only provide an opportunity to honour the fiftieth anniversary of the ILO but will consider the applications of some of the ILO conventions to the Canadian scene. Beyond this very worthy objective the national tripartite conference will speak through free and open discussion to clarify the respective responsibilities of unions, management, and governments in working toward more mature industrial relations in the public interest. Because the form of the conference will be essentially free and open it will provide a tremendous opportunity for dialogue between both the parties directly involved and also with the general public through the news media.

I want to say how gratified I have been with the excellent degree of co-operation and support which we have been receiving at the planning stage from the leaders of organized labour, the employers, and government agencies. All aspects of the conference are being planned and developed by a tripartite com-

mittee who, through their efforts, are ensuring the success of the conference and a whole new experience in industrial relations dialogue for Canadians as a whole. I will be saying more about this conference as the months proceed and it will be built up towards October.

What we want to do at it is to discuss in public the labour, management, and government view of what is wrong with industrial relations in this country and how we can make communications between the three interested parties more meaningful and more spontaneous. We happen to think this is the one area in which there is an almost complete lack of communication between the Government and labour and management as equal partners.

The second thing we want to do of course is to lead management and labour into this type of communication. We want to raise the standards of acceptable working conditions in a variety of areas. You will see that our Estimates are only 6 per cent over the approved Estimates for the previous year. I say only because this is a very small increase for the fact that more and more of the prosperity of the country is going to depend on the effectiveness of the Department of Labour to keep management and labour relatively on the same side of the bargaining table in the sense that we want to cut down the incidence of strikes and make our country more productive. So I think we got a very big role to play.

I think, if I may, in view of the fact that there is another committee coming in, spend a further moment with some of the other remarks and proceed directly to a visual aid, one of the charts that we have here, which would explain to you the makeup of our Department, so that members of the Committee might understand, as I mentioned before, that we are just more than a Department concerned with the settling of labour unrest. Maybe I would ask the Deputy Minister of Labour, Mr. Love, our new Deputy Minister, if he would explain to the Committee the plan of organization of the Department of Labour.

Mr. J. D. Love (Deputy Minister, Department of Labour): Mr. Chairman, as members of the Committee will see, there are three main program areas within the Department of Labour; one concerned with labour relations, one concerned with standards and benefits, and one concerned with research and devel-

opment. Under the Deputy Minister you will notice there are four service branches; one concerned with finance, one concerned with personnel, one with public relations and information services, and one with legal services.

The three main program areas however, the areas in which the main thrust of the Department's operation is put forward, are in three coloured boxes—Labour Relations, Research and Development, Labour Standards and Benefits. Under Labour Relations there are four branches: first, there is a branch concerned with conciliation and arbitration, and I do not think I need to explain the functions of that branch; second, there is a branch concerned with labour management

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consultation and the promotion of labour management committees that operate between negotiations in various plants across Canada; third, there is a branch concerned with employee representation—that is really a small staff group supporting the Canada Labour Relations Board in matters relating to certification; fourth, there is a branch concerned with fair employment practices which is responsible for the administration of legislation against discrimination in employment on grounds of race, colour, and so on.

The other main area in which we are responsible for the administration of legislation is standards and benefits. Here we have four branches again: first, there is one concerned with administration of the Canada Labour Standards Code, which is concerned with minimum wages, hours of work, and vacations; second, there is one concerned with industrial pensions and annuities, and I do not think the annuities program needs any explanation; third, there is one concerned with accident prevention and compensation which is responsible for the administration of the Canada Labour (Safety) Code; fourth, there is the Women's Bureau which has the general mandate to concern itself with special problems in the labour field that relate to the employment of women.

Finally, in the Research and Development Branch there again are four units. First, the Economics and Research Branch is concerned with a wide variety of activity, including the conduct of major surveys on wages and working conditions, and the production of a great deal of information on the contents of collec-

tive agreements. All of this information is being widely used by the parties to bargaining in all parts of Canada. Second, the Legislation Branch, a relatively small branch, but none the less quite important in a federal state, I think, is concerned with the analysis and publication of studies on the contents of labour law, both at the federal and provincial level. Third, the International Labour Affairs Branch, again a small group, is concerned with the work of the Department in support of the International Labour Organization which brings together in annual conferences and special conferences throughout the year tripartite representatives from all countries associated with the United Nations. Fourth, is the library services.

I think that is all I have to say, Mr. Chairman, unless there are further comments.

Mr. Mackasey: Mr. Chairman, I would like to say just a few words about the labour relations section or branch of the chart and point out that the Estimates will probably show that we have asked for an increase of \$221,000. I think this again should be considered as quite acceptable in view of the fact that if we can prevent one strike a year we are saving the economy millions of dollars. It would be very penny-wise and pound-foolish to try and cut back on the efficiency of this particular branch because our budget is curtailed. I notice the Treasury Board listening to this with a great degree of interest, but this is a fact of life and we cannot apologize for it.

In other words, we are not satisfied until we eliminate all the causes of unrest in this country. We are perhaps idealistic in attempting to reach this type of utopian state but that must be our objective. Therefore we have done a very close analysis within the Department on the role of the Labour Relations banking to a great degree on the experience of Mr. Wilson and Mr. Kelly, whom I consider to be as knowledgeable or more knowledgeable than most people in or out of government circles on the problems of labour in general.

Therefore, our first great thrust for improvement has got to be in this particular area. We realize with social unrest in this country that we have been relatively fortunate in the federal field to have so few strikes. I think that labour in general has been very responsible and very conservative

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as compared to other segments of Canadian society. While I am not passing judgment on the fact that people are questioning standards more and more, I think that in general, as I will show you on the chart, labour should be commended for the degree of responsibility which they have exercised in the last few years, are still exercising, and I think will continue to exercise provided they are sure the governments intend when they control anything to control all segments of society and not labour alone.

In order to bolster our labour relations with the Department we have received permission to add to this particular branch five specialists whom we call special mediators, whose function and purpose I described in the House of Commons in November when I said it is my belief the time had come for the establishment of a new mediation service.

This will be composed of experts who, with the proper support of research and with the detailed knowledge of the industries coming within the federal sphere, will be of invaluable service to management and labour. These experts could introduce a degree of continued communication that should reduce the areas of friction, and supply the assistance to make collective bargaining more meaningful. This new staff is absolutely crucial to the development of a more effective labour relations policy for improving the union management government by-laws and for upgrading the quality of specific economic expertise which we can provide to both parties in negotiations. To further enrich the capacity of this new service for providing maximum value to the collective bargaining assistance, we will be allocating research teams to operate in direct support of the mediation specialists, so that all parties in the bargaining—unions, management and the mediator—will have the most adequate factual information.

An example of how this has worked so far on a trial basis—and, I think, worked exceptionally well—was in the Montreal waterfront dispute where, many months ago, I felt as the Minister of Labour, and as one who is fairly close to the Montreal scene, that there was a dearth of impartial information available to the judge, to labour, and to management. After consultation between the Deputy Minister, Mr. Wilson, Mr. Waisglass of the Research Department, and myself, it was felt

that a good opportunity to try out this new concept had arisen. We earmarked, or placed at the disposal of our particular branch, the services of one or two experts from the Department of Research. Mr. Kahan is one example. His sole role was to amass information from all the ports in the world through our labour attachés in Washington, Brussels, and London as to what were the problems in other ports around the world, how were these handled, what was in the collective agreements, and the like. We have compiled, and are compiling that information at the Department of Labour in as meaningful a form as possible. Management, labour, and the Chairman of the Board banked very heavily on this impartial information, and we were probably—as we should be at these negotiations—the best informed of all people. Because of this, we were able, within a matter of a few moments of question's being asked, to tell all parties how things were done in Amsterdam or in New York, what the collective agreements were in these particular ports, how particular problems were tackled there, what was in the Devlin report, and so on. We intend to extend this type of research facility to all segments that come under the Department, the Industrial Relations and Disputes Investigation Act, or federal jurisdiction.

I would like to pass, if I may, to the statistics, of labour unrest in the IRDI area of federal jurisdiction over the last year, with a view to making these more comprehensive. I have asked the Department to prepare a chart, which can be viewed behind us here. You will see that 138 cases have been referred to the Department of Labour. Here, I mean that these were 138 out of the thousands—I do not particularly have the statistics; perhaps Mr. Wilson or Mr. Kelly can refresh your memory on them—or, at least,—many, many hundreds of collective agreements, signed every year in the federal sphere, which nobody hears about, for these never receive any publicity on the front page. They are settled peacefully and quietly between management and labour. There were, however, in the fiscal year 1968-69, 138 disputes which management and labour were unable to settle without the assistance of the Department of Labour at some point. With the assistance of the conciliation officers, the

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Department of Labour settled 105 out of the 138 disputes. Of the remaining 33, we were

able to settle 24 at the conciliation board stage—leaving nine disputes, out of a potential of 138, to go to the strike stage. This record, I think, is hardly one of which we should be ashamed. To my recollection only two of the nine strikes were of major consequence—one being the Seaway strike and the other the grain handlers' dispute at the Lakehead.

Contrary to any opinion that may exist elsewhere, I think that the Department and the present legislation have been adequate, but both need improvement because we do not want them the next time we come around. In the meantime, however, I believe these statistics to be very meaningful, because up until recently very little effort has been made to differentiate between strikes in the federal field and strikes across Canada in general.

I do not know if we have these figures on a chart, and I do not wish to bore you with statistics, but in 1963—and I am rounding figures if I may be permitted—there were 861,000 mandays lost through strikes in the provincial field. In 1964 that figure had climbed to 1,500,000. In 1965 it was over two million, and in 1966—which is very meaningful because these are the contracts to come up in 1968, in general—these were over 3,700,000 mandays lost. In 1967—we are getting up to this chart—the figure was 3,800,000; and in 1968, 4,600,000. All these statistics refer only to the provincial field.

Now, what has been the experience in the federal field? In 1963, 56,000 mandays were lost; in 1964, 55,000; in 1965, 154,000; in 1966, 1,440,000; in 1967, 172,000; and in 1968, only 138,000. Compare the latter figure in the federal field with that of 4,500,000 in the provincial—though this is not intended to be any reflection on the provinces. The disparity probably reflects, to a degree, the growth of the industrialized sections of the provinces outside the federal field. Of course, there are many more people in those particular areas than there are in the federal field. Lastly, I might say that, because of the federal field, our collective agreements are national in scope and these figures become distorted if we happen to have two or three strikes such as those of the present airlines.

Although we think that, in reviewing these things, we must improve the strike situation, we have already improved it tremendously. I just want to remind the Committee that a great deal more time is lost through accidents and illness than through strikes.

I do not think, Mr. Chairman, I have too much time to go through it all. I will just jump to the other area—the Labour Standards Department. There we have asked for a 14 per cent increase or \$421,000 in our budget. We are a small department. We do not apologize for this, but our budgets are relatively small; and so percentages which may sound impressive do not necessarily constitute large sums in terms of dollars and cents. Yet, I am sure that questions—under the Labour Standards Code and the actual way it is set up—will be asked in respect of this particular area, and Mr. Currie is here to explain it.

We are laying added emphasis, of course, on the fair employment practices, because we are very aware of the fact that the federal government had the leading role to play in the elimination of discrimination in the work force. We have the legislation. We are a little short of staff, but we have had permission to increase it and are doing good work in this

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connection. We started a series of ads which are bringing in very good results from people complaining about discriminatory practices—not only women, but Eskimos, Indians, and Canadians in general. We are working very, very hard on that.

The Research and Development Department is a very large and important one because, as you notice here, it carries not only economic research but also legislation, the ILA and library services. There, the request for increase in money—4 per cent—is less than what even wages would be. This has been a result of our ability in trying to make research more meaningful, a little more practical and by shaving the expenses, and curtail, or postponing some of the things which we would like to do. But we understand that we must do this thing. I think there is another chart, Mr. Chairman, which might be meaningful. It is that of the size of the Department. We should explain to you where our 800 people are located. By towns, we have 20 in Vancouver, 12 in Edmonton, 1 in Saskatoon, 2 in Regina, and 20 in Winnipeg. The rest are situated in all the other cities across the map. Of our staff, 96 are in Labour Relations; 313 are in Labour Standards and Benefits; 148 in Research and Development; and 249 in general administration.

We would like to show you the employees in the federal field, if we may, by industry.

We are trying to help you understand just a little more about labour. I may need help here, but I will try to go through it.

We included the public service for one very particular reason, because although we are not responsible for the collective agreements within the public service, we are responsible for the application of many of the pieces of legislation that are as equally applicable to public servants as they are to outside people. I am speaking of accidents, discrimination, fair employment practices, and these things which are in our jurisdiction. We tend to exercise it in as well as outside the public service. Mr. Love, would you like to explain that a little further?

Mr. Love: In the upper part, the chart is designed to show the breakdown, by industry, of employees within federal jurisdiction. Reading from the left, it shows that the largest single industrial segment is the railway. The blue box is the airlines, the next one is trucking-road transportation, and the brown one is water transportation. Together, those four blocks comprise virtually all of the transportation industries in Canada. The next big segment is communications, including telecommunications, radio and TV.

In the blue box is grain handling; then a very large segment in banking, including some 90,000 employees; then a smaller group in uranium mining; and then in the last green block, there is a residual group. This last group includes a miscellany of industries, including some in manufacturing, such as Polymer because the federal crown corporations are there. Together these boxes represent the jurisdiction of the department in some of its major fields. For example, this represents the coverage of the Industrial Relations and Disputes Investigation Act, the Canada

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Labour (Standards) Code. In addition, there are 237,000 federal public servants who are within the Department's jurisdiction for particular purposes. For example, our safety inspectors now have access to all establishments within the federal government, and so some elements of the government are required to cover that public service segment. The regional breakdown simply shows the breakdown of the employees within federal jurisdiction in five major regions across Canada.

The figures at the very bottom are put there for comparative purposes. This repre-

sents the total work force in Canada. For example, in Ontario the total federal jurisdiction for purposes of the labour relations Act, the IRID Act, is about 150,000, plus a group of 103,000 in the federal public service. That is the Ontario component of the federal jurisdiction industries, and public service. Against that roughly 254,000 there is a total work force in Ontario of over 2 million, and which is closely approaching 3 million.

This demonstrates the fact, that the great bulk of the employees in Canada, for purposes of labour relations, are within provincial jurisdiction. All of the manufacturing industries, for example, are within provincial jurisdiction, and for most purposes are outside the jurisdiction of the Department of Labour.

Mr. Mackasey: I think, gentlemen, in view of the time, while I could invite many more remarks, perhaps the information in here will come out under questioning. Mr. Chairman, thank you very much.

The Chairman: Thank you, Mr. Mackasey. Before proceeding with the questions and answers, may I invite the members for their stations and corporations to stay until 11.00 o'clock so that we can perhaps call the items before us and maintain a quorum. So far, two persons have indicated that they wish to ask a question or to speak. They are Mr. Dumont and Mr. Prud'homme. Mr. MacEwan did you indicate to me that you wished to ask questions?

Mr. MacEwan: Yes. Mr. Knowles also indicated.

The Chairman: We will adopt the same procedure as the last meeting. Mr. MacEwan indicated to me his intention to ask questions well ahead of the others, but I was not quite sure whether or not he had. I will start with Mr. MacEwan, followed by Mr. Dumont, Mr. Prud'homme and Mr. Knowles.

Mr. MacEwan: We do not have very much time, Mr. Chairman, so I will try to limit my questioning here because we can only go to 11:00 o'clock. I was glad to note in the charts that so many of the cases in Canada involving labour relations have been looked after by the Department and that there were only nine strikes. Could Mr. Mackasey advise and give us the very up-to-date report on the matter of the Air Canada strike, which is current in Canada today? Could he report anything

today further to what he said yesterday in the House of Commons?

Mr. Mackasey: Yes, Mr. Chairman, I am glad to say all I can without jeopardizing the relations or the negotiations which are going on at this time. The Air Canada strike is a classic example of how our Act works. The Bretton Woods Agreement shows that in Australia, in Sweden, and in these other countries, which we hear a lot about, there is very little we can bring in to the Canadian scene because culture and environment all play a part. The degree of freedom and democracy which exists in the country is directly associated with the type of labour management relations that evolves.

The philosophy which I expounded in the House of Commons last October and November is a very basic one. Our present legislation is based on the concept that periodically management and labour must reach an agreement on working conditions and on what

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value is to be placed on the dictates of labour of a particular employee or a group of employees. At the best, this collective agreement which emerges is a consensus of opinion between the two sides. It is usually a fair and honest consensus when both sides can bargain from a position of equality. This is the ideal situation. It does not always work that way but that is the way it is supposed to work. So we set up legislation to make the horse race as even as possible.

In the case of Air Canada and the machinists you have a classic example of free collective bargaining. The unions have demanded for reasons best known to the unions certain wages and fringe benefits which they think are equitable and fair and within the ability of Air Canada to pay. In turn, Air Canada say this is all we can afford because we have a responsibility to generate profit, find within our own resource our capital market to assure private lending people if we need money for the future that we are capable of operating at a profit, and so on, and we are not unconscious of the general battle against inflation. This has been the public posture of both sides.

They are both welcome to their positions and under our Act they have gone through the various stages. They have gone through the conciliation officer stage. They have had closed discussions. They have both jointly

asked to waive a conciliation board stage. They both told me in a private telegram signed jointly that such a stage was unnecessary because the strike was unlikely. This is pretty well in the spirit of the Woods Report which suggested we vary these types of things.

I agreed to this warning both parties that if they did not come to an agreement at this stage to be prepared to suffer the consequences. The consequences are that for three weeks we have had a strike which has been very costly to Air Canada and very costly to the employees. Unless we are going to make our labour laws a mockery and move in with legislation, the best we could do is offer both sides all the mediums of communication possible to settle their own differences.

The only time we can justify trampling on our own legislation or the rights of the worker or the rights of management is when, in the opinion of the government, a further emphasis of these rights creates a national emergency and jeopardizes the fundamental rights of all Canadians in general.

So far we have not come to the conclusion that we have reached that stage. We know it is inconvenient, but our own studies are that the loss in revenue to Air Canada is being picked up by other media of transportation—railways, private carriers, automobiles, bus lines, and so on. There is no denying that it is very inconvenient.

You asked me what position we are in today. The unions have publicly come down from a position of 20 per cent for 1 year, I believe, to a position of 24 per cent for 2 years. They are no longer insisting upon parity with the Americans. They have shifted their position. Air Canada have not publicly released their new position. I think their last stand was 8 per cent and 7 per cent for 2 years or 15 per cent. Basically, there is where we are. The Company is offering 15 per cent for 2 years and the union is asking for 24 per cent for 2 years and negotiations have broken off once again.

Both sides yesterday in a telegram indicated to me that they would welcome the assistance now of the Department of Labour. I have made phone calls to both sides and I am convinced that the telegrams are meaningful in the sense that both parties are now prepared to negotiate on some other basis—maybe the length of the contract; maybe the actual wage package; maybe on the benefits;

maybe on the fringes; maybe on a lot of things. As a result of this, later on today I will be notifying both sides that talks will resume tomorrow with the help of the Department of Labour.

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I must repeat however, that I do not think the Minister of Labour or the Department of Labour has any right in the collective bargaining process to the extent that we influence or dictate to either side what the settlement should be. I do not think that the government has any right to do this. These are Crown Corporations and not branches of a department of the government. If they are going to function properly, they have to understand that they have to operate like any other corporation.

At the same time, when unions take that step and go on strike they have to be prepared to face the economic consequences of their action. They have to be prepared to realize that going on strike may mean six or eight months' strike and that nobody is going to bail them out after two or three days. The companies in turn have to realize that if they do not develop a better spirit, a better degree of communication with their employees during the life of the contract, then they are running the risk of being struck for other than monetary reasons simply because hostility has developed, and they have to run the risk of the economic problems Air Canada now face.

In short, and I may be a little long in answering you but I appreciate your asking, I have yet to be directly concerned with any strike since I have been Minister of Labour where monetary considerations have been the main issue. It is tragic to know that in general they both approach the bargaining table in a terrible spirit of hostility, which both sides have generated since the last collective agreement and which quite often find their root in some insignificant day to day harassment, management to labour or vice versa. This is tragic.

On the other hand, when you look at the railway settlement which we are rather proud of and for which I think Mr. Kelly should be commended, we did something historic; we were able to get both parties to sign an agreement on very reasonable terms before their old contract expired. However, I have no illusions that this was possible for any other reason than CNR have gradually been building up through Bill Wilson of the CNR good labour relations with their employees. That is

really fundamental. You cannot legislate that. It is just plain common intelligence.

To sum it up, at the present moment talks will resume tomorrow between Air Canada and the International Association of Machinists. The facilities of the Department of Labour will be placed there as a third party in order to, I hope this time, settle their differences.

Mr. MacEwan: I understand, Mr. Minister, mediation services were used before in this particular matter. Could you tell me when? You have gone into the matter of mediation services and shown in your estimates where there will be an increase of six top-notch personnel. Can you tell me just when mediation was used in this particular matter?

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Mr. Mackasey: I can tell you that the talks began between Air Canada and their employees, I believe, in November. Under the Act they could have begun on the first of November, two months before their old contract expired. There were exploratory talks in April. I will have to get the date of when a conciliation officer was appointed, which we mentioned here settles the majority of strikes. In this case, in the dispute he was unsuccessful in April.

It was in April when normally both parties would ask for a conciliation board. It is their responsibility and initiative. They came to me and in a telegram signed by both parties suggested to the Department of Labour that the assistance of a conciliation board was not necessary because in the opinion of unions and management a settlement was imminent and that the quickest way and fairest way to get a settlement was to by-pass the conciliation board.

In my answer to both of them, I warned them of the consequences if by-passing this normal step did not pay off. You asked me when we put the services of Mr. Kelly at their disposal. It was within a few days of receiving that telegram asking for the services of Mr. Kelly. They did not specify Mr. Kelly in the telegram but they told me they would appreciate the services of Mr. Kelly rather than going through the conciliation board stage.

Mr. Kelly spent, I expect, a week with them and was unable to settle the difference of opinion, not on money but on a broad classification clause which was the main issue at the time. I believe talks broke off on a

Tuesday and the strike occurred on the Sunday. After the comparative period of a week, I may be wrong whether it was a week, but I can verify it, they again asked for the assistance of the Department and this time Mr. Kelly and Mr. Wilson went in the hope of settling the dispute, and that broke off.

From that moment on they have been negotiating directly, and over the weekend broke off. Finally, after my statement in the House of Commons that if they wanted our help they had to show they were sincere about settling the dispute, they finally sent me a

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telegram—both parties—which I checked out with both parties. I am not convinced that they are willing to sit down and really work at it.

Mr. MacEwan: On the matter of mediation services, with the increased personnel, Mr. Minister, do you envisage that, in the future, your Department will be able to provide these services at, hopefully, a reasonable length of time before the termination of certain contracts?

Mr. Mackasey: Yes, that is roughly the problem, the core of which you have defined—the difference in settling the respective railways and airlines disputes. Both parties in the railway settlement must be convinced that it is in the best interests of everybody concerned that we secure an immediate and rapid settlement and that negotiations become meaningful as soon as possible. You must remember, though, that this necessitates three basic ingredients—unions which are responsible in negotiations, management enlightened enough to know what the problem is all about, and, as you are suggesting, competent mediators available.

Now, such mediators as we have in the Department are competent, but there are just not enough of them. Secondly, they have not, until this point, as far as I am concerned, been backed up with the proper resources. This is why I meant to mention earlier that we have asked Mr. Waisglass to direct some of his research department towards backing up the services of those particular people.

Finally, we intend also to make the Labour-Management Consultation Branch more meaningful so that we can impose upon stupid management and stupid labour—where these exist—communication, until they both

come to their senses. This is being planned at the moment.

Mr. MacEwan: Just one more question and then I will pass on. I noticed what the Minister said about the government not intervening in strikes, and I wonder if he could explain his position to us. I recall a couple of strikes in which he appeared in Montreal...

Mr. Mackasey: In my underwear...

Mr. MacEwan: Yes, just as the Minister had emerged from the shower, that is...

Mr. Mackasey: ...combing my hair

Mr. MacEwan: ...and he had hair...

Mr. Mackasey: I have some...

Mr. MacEwan: It was a great picture of him and it demonstrated that the old gentleman had done it again. Now, I suspect that there is a distinction between then and the present. Could the Minister advise us?

Mr. Mackasey: Yes, I know what you are trying to say. You want to know why I am not in this one?

Mr. MacEwan: Yes.

Mr. Mackasey: Well, I can tell you that in any of the strikes in which I have been involved, I have been particularly careful never to dictate or suggest or impose the monetary settlement upon one side or the other.

I am too astute a politician to have anyone from a Crown corporation come up tomorrow and say, "The Minister of Labour was able to secure a settlement because we were forced into giving more money to our employees than we wanted to give. Therefore we need some help from the government because our budget is going to be strained."

All that I did in any one of those disputes—and I do not apologize for my action—was to act as a mediator between both sides, to transmit their offers to each other, to suggest to one that the offer of the other party was reasonable where it was reasonable, and to suggest to the other side where they should compromise. Really, for me do the work of mediation is to supplement the mediation role of our department because we are short in numbers—not because I am Bryce Mackasey.

The Minister of Labour does carry a degree of prestige regardless of what party is in

power and sometimes that prestige—or influence, or threats—is sufficient to bring the parties together. That is exactly all I have done.

Now, you say, why have I not gone into this one? It is because the disputants in turn asked jointly to by-pass the Conciliation Board Report stage. They ruled the Department out of it. They said, "We can settle this without any help".

They went out on strike of their own volition and so I said, very well, you are on strike. You, the union, be prepared to realize that neither the Minister of Labour nor the Department of Labour is going to rush into every dispute as a fireman. If you people think you want to go on strike, if you are prepared to pay the economic consequences, then stay on strike".

That is my philosophy, and the same thing applies throughout Canada. I would walk to Montreal tomorrow, though, if I thought I could settle the dispute—not on my terms, but on Air Canada's and the union's terms.

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I do not want anyone to leave this room with the impression that any settlement in which I was personally involved was settled on my terms, or that I was able to dictate terms of settlement. Those settlements have been settled exactly as both parties wished. All I have been able to do has been to transmit that message to both sides.

This is precisely the situation here, and I have no intention of getting into the Air Canada strike and saying to Air Canada, "You settle for a higher figure than you wish". Similarly, I have no intention of going in there to the unions and saying "You settle for less than you intend". The decision is theirs to make.

If, however, both sides say, "Mr. Mackasey, we think that possibly you can seduce us into settling on the terms upon which we want to settle", I will go down and do this, and make no apology for so doing. I think that is part of my function as Minister of Labour, though I do not enjoy it.

Mr. MacEwan: Will there be a board set up for CPA?

Mr. Mackasey: Yes, there will be a conciliation board set up for CPA, Russell, and it will probably be several months before CPA

is in any strike position, if circumstances follow their normal pattern.

The Chairman: Thank you, Mr. MacEwan. Mr. Dumont.

[Interpretation]

Mr. Dumont: Thank you, Mr. Chairman. First of all, I would like, if you allow me, Mr. Chairman, to sincerely congratulate the Minister for his very human way of dealing with problems. I think the experience he had when he was quite young enables him to consider all the human aspects, especially with regard to the budget he has at his disposal.

If I understand correctly the Air Canada question is of an economic nature. Now, with regard to the table that was shown to us a while ago, of the 138 labour disputes we have had, 129 have been settled through conciliation agents or by the Conciliation Board, leaving only 9 strikes to be settled.

My question is the following: among these disputes that have been settled, which are the ones that did not imply any pay increase, or how many have been settled through an increase in pay?

Mr. Mackasey: Well, Mr. Dumont, I think that in the disputes at least in those where I was directly involved there was always a question of pay increases. As you well know, recently in Canada, and fortunately for everyone, except maybe for those who have a fixed Pension Plan, in general, the profits of companies are increasing. Therefore, it is normal and natural that the employees themselves will ask for a percentage of these profits because, after all these profits are largely the result of their work and their contributions. So they have a right to take part in these profits as much as the owners of a company, a corporation or the shareholders in a manufacture or an industry. So, in general, I admit there is always a question of increase in pay and it is always one of the problems, but it is rarely the major problem. I find that in general the principal cause of our strikes is the inability of employers and employees to create an atmosphere of conciliation before the dispute and to establish communication between themselves. There is a lot to be done in that field, and I hope that the Department of Labour will be able to provide the necessary solutions.

Mr. Dumont: An additional question. With all due respect for the sincerity for which you are well known, Mr. Minister, don't you think

that through these pay increases which create inflation that the Government wants to fight, we might get the impression that we are going around in circles, like a dog chasing its tail. In view of this, could we not practice a policy similar to that of Japan, among others, which exports by applying what we call a "compensated discount"? Don't you think that in order to lower the cost of living and at the same time to settle the labour problem, we should think, in a great Canadian policy, of lowering the cost of living by granting a compensated discount instead of thinking about pay increases? To compensate the discount?

Mr. Mackasey: Mr. Dumont, in a way, you are right. If you want to lower inflation, I agree completely with your objectivity. I only said that we will not lower the inflation if we only control wages.

Mr. Dumont: Right.

Mr. Mackasey: It is also logical to say: We will control profits, dividends, rents, all the aspects, all the forces which, together, will create inflation. That is the argument of the employees; it is a fairly good argument. It does not mean that the employees have the right to obtain everything they want, and that is why we have a dispute at Air Canada. Air Canada says: We cannot pay more than that; the employees say: We deserve more. So, you have a dispute.

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But for the Government of Canada to control all the aspects, all the forces which, together, help create inflation, is very hard because of the Constitution. Quebecers know this as well as I do, there are many fields, for example, the control on prices and rents, where the Federal Government cannot interfere.

Mr. Dumont: But, in answer to my question regarding the "compensated discount", i.e. to reduce the cost of living by a discount granted on all products in general, are there any controls to compensate?

Mr. Mackasey: The only reason why I don't completely agree with you, is because I don't have a great knowledge of social credit.

Mr. Dumont: Then I should send you the recipe.

Mr. Mackasey: But all the same, I always respect your opinions because they are always progressive.

The Chairman: Do you have any more questions, Mr. Dumont?

Mr. Dumont: No.

The Chairman: Thank you very much.

[English]

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, as a good deal has been said about Air Canada I will ask only one question on that subject, although there are one or two others I would like to ask.

I gather from what you have said, Mr. Mackasey, that you are satisfied on the genuineness of the appeals from both sides for the Department to get the parts together. Also, it would seem to me that on each side there is now a desire to settle. Do you not think that in that circumstance there should not be any hesitation on your part in meeting with them personally, even if it means another of these all-night underwear sessions...

Mr. Mackasey: I do not mind the underwear...

Mr. Knowles (Winnipeg North Centre): ...so that this attempt is not aborted.

Mr. Mackasey: I prefer to be photographed in my underwear than photographed with no underwear; I would rather be photographed with my hair combed than my hair uncombed—but this does not bother me.

Your point is a valid one, Mr. Knowles. However, I think that a Minister of Labour can enter a dispute only once; the second time he is not effective—he is only minimizing his role. I am prepared to move into this thing personally. In the meantime, however, I have great confidence in Mr. Kelly and Mr. Wilson who I am sure tomorrow will bring the parties together and, I hope, settle the dispute. But as I said earlier, if my personal presence is needed I will be there.

Mr. Knowles (Winnipeg North Centre): I share your confidence in the ability of Mr. Wilson and Mr. Kelly but, you know, some unkind people have the thought—I am not one of those—that you only get into these disputes when you know they are just about won.

Mr. Mackasey: Well, if anybody wants...

Mr. Knowles (Winnipeg North Centre): This is pretty important. I would say you should gamble your reputation on it.

Mr. Mackasey: The point is that I am not particularly concerned about what people think of the Minister of Labour. This is one of the advantages I have. I know personally what type of disputes I got into, and if anyone around this table thinks that when I got into the Montreal waterfront strike this was about won, then they have holes in their head. That took weeks and weeks of settling and Judge Gold and myself ended up writing the contract ourselves in the middle of the night. If anybody knows anything about a waterfront problem, we are still wondering how we got it settled. You know, I can remember a strike in 1958—you can too—under a previous government. This is no reflection on the government or the Minister of Labour at the time, who was a good friend of mine, but that strike went 71 days in British Columbia. You recall the strike. Were you in the House that year?

Mr. Knowles (Winnipeg North Centre): No.

Mr. Mackasey: Well, you were close to the House. You were down the street at the Canadian Labour Congress.

Mr. Knowles (Winnipeg North Centre): I was down the street, yes.

Mr. Mackasey: That strike went 71 days...

Mr. Knowles (Winnipeg North Centre): Same time, another station.

Mr. Mackasey: ...and it was certainly inconvenient for the people of British Columbia who travel by steamboat or ferry. That was settled by arbitration or legislation. There is bound to be people say, "Well, the Minister of Labour is strike-happy—he runs in to get

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his picture in the paper at the last possible moment". I could not give a damn what they think. I am only satisfied that I settle the strike. That to me, in the final analysis, is what is important.

An hon. Member: Hear, hear.

Mr. Mackasey: I could not give a damn what people think when they see me in my underwear, as long as we get the settlement. I am going to say this: I had nothing to do with the railway settlement—and that was the finest thing that has happened to labour relations in two years. This was Mr. Kelly's

victory, not Mr. Mackasey's. I stayed far away from it. Perhaps I have the wrong concept of what my job is but I feel a lot better knowing that if my presence prevented nine strikes that is nine strikes less than we would have had if I had not been in there. Fine, I will accept the criticisms as long as I get the strikes settled.

Mr. Knowles (Winnipeg North Centre): Yes, that is fine. I just have one more comment on this. You say that you got into the Seaway strike which was more difficult than this one?

Mr. Mackasey: Yes.

Mr. Knowles (Winnipeg North Centre): Well, God bless your heart.

Mr. Mackasey: I just say one more word, because you made a valid point. The point I want to make here—and the reason I have not gone into it—is that I think both sides in this dispute need a damn good lesson, if I may say so. Air Canada has to learn to create a better relationship with their employees.

Some hon. Members: Hear, hear.

Mr. Mackasey: It leaves a lot to bloody well be desired, if I may talk good Irish. I do not know what settlement they have reached in recent years that has been settled peacefully. One of the settlements that I got involved in and had my picture taken in my underwear was an Air Canada strike with the CALEA union, you may recall—again an Air Canada strike. There are five agreements coming up with Air Canada and unless in the future they learn to deal with their employees in a fair and decent manner they are going to have labour strife for an unwanted reason for some time to come.

On the other hand, the unions have a lot to learn. They have to learn to swallow their pride sometimes and stop worrying about their face, their dignity and their posture. They have to realize that perhaps they are over-structured in the size of their negotiating committee. They have to stop playing internal political politics within the union and start thinking of their membership.

There are lessons to be learned on both sides of the fence and the quickest and easiest way for them both to learn a lesson is to go through a costly strike because, in the final analysis, they only are suffering, the company and the union. Nobody else is suffering. The Canadian people are not suffering; we are

being inconvenienced. The economy is not suffering; money is still being spent in transportation and in general, is still remaining in Canada.

One reason that I am out of this thing is to let both sides learn that we are not going to bail them out every time they have trouble and, another, is that they are going to learn to get along with each other. If they both learn that then the strike will have been worthwhile.

Some hon. Members: Hear, hear.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, speaking of their being two sides, may I use that as a jumping off point to another question and put the following to the Minister. Bryce, if you were sitting here ...

Mr. Mackasey: I did at one time.

Mr. Knowles (Winnipeg North Centre): ... instead of up there, what would you be saying to the Minister up there about the length of time it is taking to get action on the Canada Labour (Safety) Code regulations? We passed that Bill two years ago last December on the urging of the then Minister of Labour to hurry up because they wanted to get it moving.

Mr. Mackasey: If I were sitting there I would be doing what you are doing, asking the Minister of Labour what is taking so long and then I would expect the Minister of Labour to do what I am going to do—call Mr. Currie, who knows something about the subject, up here to explain. Is that fair enough?

Mr. Knowles (Winnipeg North Centre): I do not mind his explaining the matter from the departmental position but he does not answer for the Minister, the Minister answers for him.

Mr. Mackasey: Well, we have democracy—in the Department of Labour we are all ministers at various times. Mr. Currie will explain what the hold-up has been.

Mr. Knowles (Winnipeg North Centre): No Indians, eh?

Mr. Mackasey: Mr. Knowles has quite properly brought up the point that when the legislation was brought to the House the last time the then Minister of Labour suggested that there was great haste here—and I think there was because he wanted to get started on what was obviously a very long process. If we had

started a month later we would then be a month further behind. There is nothing inconsistent in what the Minister said, he really said: Let us get started with it.

Mr. Currie: Mr. Chairman, I think we ought to start from the point that the legislation became operative on proclamation, not on passage, if you recall. There was a long period of time between passage of the law and the proclamation into effect and during this time there was a good deal of organizational work and so on done. So that we have

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only been in practical existence about 15 months in terms of having a law in effect.

Mr. Knowles (Winnipeg North Centre): Even so—

Mr. Currie: During that time I would say that at least a dozen areas requiring regulation have been examined. As of today there is in effect one large set of regulations regarding coal mines, which is a very particular and difficult area. There are two other major sets of regulations, one dealing with the whole field of boilers and pressure vessels which involves consultation with all 10 provinces because we are trying to establish for the first time, Mr. Chairman, a national code for boilers and pressure vessels. This means, in effect, that we are trying to put between the covers of one set of regulations the somewhat differing requirements that are now in existence in all ten provinces in this particular and very hazardous field. We are just about finished this reconciliation, but it takes many months to clear up all the points that are involved. We hope to have these ready for proclamation probably by June or July of this year.

Mr. Knowles (Winnipeg North Centre): What year?

Mr. Currie: The year 1969, sir. The same procedure involving extensive consultation on a lot of technical words has gone into the development of a similar national code relating to the whole area of passenger and freight elevators. Again this area has never been regulated before in the federal field of jurisdiction. Anything done in this area has been done by the provinces outside their legal jurisdiction but because of their great interest in this work and seeing that it was done. We are very grateful to them for it. However,

that is no excuse for us not having our own requirements. These will come along later in the summer and likely boiler and pressure vessel regulations will have national application and we will be utilizing existing provincial services to see that they are enforced so this really is just in the wings.

Another area engaging our attention is the regulation of certain aspects of the interprovincial trucking industry following the recommendations of the commission chaired by Mr. Murchison. We have some work on this going on now and I think before the fall we will have some particular regulations, Mr. Chairman, requiring interprovincial transport operators to do certain things to enable us to get on with our job of carrying out the recommendations of the Murchison Report, particularly with respect to a requirement for periodical medical examination of interprovincial highway truck-drivers and thus drivers and later on for the introduction of a logbook by which we will be able to control excessive hours of driving on the part of these transport drivers much like the ICC does in the United States. Again, this is a little longer into the future. Those recommendations probably will not be introduced until next year and the logbook probably the year after.

In addition to that, I do not want to take too much time in Committee, Mr. Chairman, but I should mention that concurrently there are six or eight particular subject matters being developed in terms of regulations. One set pertains to the country grain elevators, which never have been regulated extensively in Canada. We are starting from scratch on this; whereas some of the others to which I referred we are simply adapting and making compatible with our law existing standards and regulations. On country grain elevators we are starting from zero.

We are also dealing with such matters as sanitation, first aid, the handling and transportation of dangerous substances and all kinds of things in the general industrial safety area. We intend over the next several months commencing, perhaps, later this year to issue these as interim standards. Eventually these will be consolidated into one general omnibus industrial safety code adaptable to all industries under federal jurisdiction regardless of the kind of work being carried on. That, Mr. Chairman, is about where we are at the moment on regulations.

Mr. Knowles (Winnipeg-North-Centre): Did I miss a reference to the railway industry as such or is that included in some of these subheadings that you gave?

• 1055

Mr. Currie: Any regulations that we are preparing will apply equally to the railway industry whether they pertain to sanitation or shop work or the handling of materials or how they go about their work or the environment in which the employees work and so on. The railways will be equally subject to this, as indeed, any other industry under federal jurisdiction.

Mr. Knowles (Winnipeg North Centre): It is not the subject of a special study or special set of regulations?

Mr. Currie: I do not think so, Mr. Chairman.

Mr. Knowles (Winnipeg North Centre): I will take the Minister up on the answer he gave me in the House a while ago but...

The Chairman: Mr. Knowles, have you any further questions?

Mr. Knowles (Winnipeg North Centre): I wanted to ask a short question in another area but if you are telling me that my time is up I will bow to your decision.

Mr. Mackasey: Go ahead, there is no sign of the other Committee. If they have as much difficulty trying to get a quorum as this one, we are liable to be here until 1 o'clock.

Mr. Knowles (Winnipeg North Centre): I would like to ask one more question of Mr. Currie and Mr. Mackasey jointly. Is there anything in the Canada Labour (Safety) Code comparable to what we have in the Canada Labour (Standards) Code under which industries get exemptions. I think the Canada Labour (Standards) Code has been pretty badly hurt by exemptions. Is there anything like that in the Safety Code?

Mr. Currie: Mr. Chairman if I may answer, there is a section in the Canada Labour (Safety) Code which provides that the application of a regulation or regulations may be to an entire industry or to portions of the industry or to certain other classifications. This is necessary and it is to be found in all safety legislations in the country under whatever

jurisdiction. At the present time, we do not see any particular need to use it, but it is there in case there may be a situation in which for various reasons a particular industry or parts of it might not be subject to certain requirements. There are no exemptions in the sense that you are referring to.

Mr. Knowles (Winnipeg North Centre): In other words, if we are going to practice safety we have to practice it.

Mr. Currie: Absolutely, right across the board.

Mr. Knowles (Winnipeg North Centre): As the construction industry does.

Mr. Currie: The exemption or the exception I refer to might happen in the case of timing. You give certain industries a period of time to lead up to what you are requiring them to do or something of this sort. I know of no exemptions.

Mr. Knowles (Winnipeg North Centre): I have a question in another area, Mr. Chairman, but I am in your hands.

The Chairman: Yes. May we dispose of Votes 1 and 5 and conclude this session? There are other people who wish to use this committee room and we shall convene again on Thursday morning to proceed with Manpower and Immigration.

Vote 1 agreed to

The Chairman: Shall Vote 5 carry? Mr. Knowles do you have a question?

Mr. Knowles (Winnipeg North Centre): I did have a question but, Vote 1 may carry as I can ask it on any item.

The Chairman: Exactly, I think so. Do you feel that you can ask this question of Mr. Currie personally?

Mr. Knowles (Winnipeg North Centre): No, this is on another subject. I will ask it to the Minister.

The Chairman: Please go ahead so that we may conclude today.

Mr. Knowles (Winnipeg North Centre): You still have on your chart Industrial Pensions and Annuities?

Mr. Mackasey: Yes.

Mr. Knowles (Winnipeg North Centre): I know, of course, that Canadian government

annuities have been under the Department of Labour as long as I have been alive.

Mr. Mackasey: A long time.

Mr. Knowles (Winnipeg North Centre): Oh, no, not so long.

Mr. Mackasey: Oh, no, I mean the Branch.

Mr. Knowles (Winnipeg North Centre): I enjoy the fact that the Government Annuities Act was debated at second reading and in Committee as a whole and passed the day I was born, so I have been at pensions ever since. I recognize the validity of the government's tendency to phase out government annuities, at least as far as individuals are concerned, because of bringing in the Canada Pension Plan. It was better than many of the annuities themselves. In the case particularly of private employers who use government annuities for their pension plans, though you may still have advantageous tables on debentures related to the paid pensions the interest rate does not compare with interest rates today. Are you giving any consideration to improving that aspect of annuities particularly where they are used for pension plans for employees by private companies?

Mr. Mackasey: If I could say it very, very briefly, I think the time has come when we are considering moving the Annuity Branch to another department where annuities will be more properly placed, perhaps the Department of Health and Welfare, or perhaps another department where they will have a better opportunity. One of the problems both-

• 1100

ering me about the Annuity Branch is that it is unfair to the people in my Department who are tied to the Department of Labour and attached to the Annuity Branch, they are being denied their normal progressive promotions, where their talents, and they are considerable, would have a greater scope if they were attached perhaps to some department other than the Department of Labour. We are considering this aspect. We will always keep within the Department as part of our revision of the Labour Relations section some of the people attached to the Annuity Branch so that we can offer to management and labour the best advice that these people can give when they are preparing their collective agreements.

Mr. Knowles (Winnipeg North Centre): In other words, you would separate industrial pensions from annuities and let annuities go somewhere else.

Mr. Mackasey: This is my thinking, yes. However, we are still only debating it and discussing it. Therefore, I cannot be more knowledgeable.

Mr. Knowles (Winnipeg-North-Centre): When and from whom can I get an answer to my questions, as to whether any consideration is being given to improving the interest rate?

Mr. Mackasey: If you ask me, I will say, in due course; I will make that announcement in the proper way.

Mr. Knowles (Winnipeg North Centre): I thought you were a different kind of Minister.

Mr. Mackasey: I am at certain times.

The Chairman: Mr. MacEwan has a question to ask the Minister.

Mr. MacEwan: Mr. Minister, could one of your officials tell us how many of the railway unions are still excepted from the provisions of the Canadian Labour Standards Code legislation?

[Interpretation]

Mr. Mackasey: Mr. Duprés, do you know how many of these unions are exempted from the Canadian Labour Standards Code?

Mr. J.-P. Duprés (Assistant Deputy Minister, Department of Labour): Mr. Chairman, all the employees in railway operations at the present time are not subject to Part I of the Labour Code, regarding working hours.

[English]

Mr. Mackasey: All of our legislation that comes under the Department of Labour is being reviewed. Mr. Knowles touched on a very valid point before. The Canadian Labour Standards Code has been subject to more exemptions than applications; I think that what an all-party committee must do is sit down and review this particular code to see if there are any idealistic or impractical areas.

We cannot go on living with the exemptions. Many of the unions are complaining

about the application of a code which was primarily designed to help them. Management, of course, have been complaining about the code. We have had so many exemptions hanging fire and in existence, that I think we should have a damn good look at the Labour Standards Code to see if some meaningful

amendments cannot be brought in at the next session.

Mr. MacEwan: Do you expect to do that?

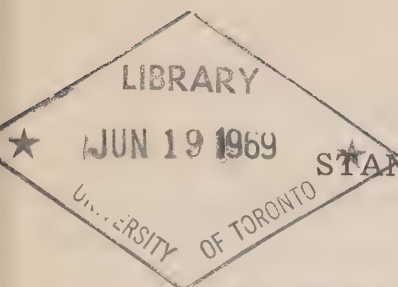
Mr. Macaksey: Yes I do.

Votes 1 and 5 agreed to.

The Chairman: Thank you, gentlemen.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969



STANDING COMMITTEE

ON

LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

THURSDAY, MAY 15, 1969

FRIDAY, MAY 16, 1969

Main Estimates (1969-70) relating to the Department of
Manpower and Immigration

INCLUDING SIXTH REPORT TO THE HOUSE

WITNESSES:

(See Minutes of Proceedings)

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Marcel Prud'homme
and Messrs.

Alexander,
Badanai,
Breau,
Brewin,
Broadbent,
Dumont,

Foster,
Kaplan,
Knowles (*Norfolk-
Haldimand*),
Jerome,
MacEwan,

McNulty,
Muir (*Cape Breton-
The Sydneys*),
Paproski,
Penner,
Thompson (*Red Deer*),
Turner (*London East*),
Whiting—20.

D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b)

Mr. Serré replaced Mr. O'Connell on May 15, 1969

Mr. Penner replaced Mr. Murphy on May 15, 1969

Mr. Breau replaced Mr. Loiselle on May 15, 1969

Mr. Kaplan replaced Mr. Roy (*Timmins*) on May 15, 1969

Mr. Foster replaced Mr. Serré on May 16, 1969.

REPORT TO THE HOUSE

FRIDAY, May 16, 1969.

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

SIXTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following items listed in the Main Estimates 1969-70:

Votes 1, 5, 10, 15, 20, 25 and L115 relating to the Department of Manpower and Immigration.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 9 and 11*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, May 15, 1969.
(12)

The Standing Committee on Labour, Manpower and Immigration met this day at 9:45 a.m. The Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Alexander, Badanai, Breau, Brewin, Broadbent, Caccia, Jerome, MacEwan, McNulty, Murphy, Prud'homme, Roy (*Timmins*), Serré, Thompson (*Red Deer*), Turner (*London East*), Whiting—(16).

Also present: Honorable Marcel Lambert.

Appearing: The Honourable A. J. MacEachen, Minister of Manpower and Immigration.

Witnesses: From the Department of Manpower and Immigration: Mr. R. B. Curry, Assistant Deputy Minister (Immigration); Mr. J. P. Francis, Assistant Deputy Minister (Manpower); Mr. J. C. Morrison, Director General of Operations and Mr. S. Goodman, Director of Manpower Analysis.

The Chairman informed the Committee that the position of Vice-Chairman was vacant and called for nominations to elect one.

Mr. Serré moved, and it was

Agreed,—That Mr. Marcel Prud'homme be elected Vice-Chairman of this Committee.

The Committee resumed the study of the Main Estimates 1969-70 relating to the Department of Manpower and Immigration.

The Committee proceeded to the questioning of the Minister and his officials.

It was agreed, that the table entitled "Immigrants Landed in 1968 whose intended occupation was teaching" be appended to this day's evidence. (*See Appendix "A"*).

After discussion the following items were carried:

Votes 5, 10, 15, 20, 25 and L115.

At 12:20 p.m., the questioning of the witnesses continuing, the Committee adjourned to Friday, May 16, 1969.

[Text]

FRIDAY, May 16, 1969.
(13)

The Standing Committee on Labour, Manpower and Immigration met this day at 9:35 a.m. The Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Badanai, Breau, Caccia, Kaplan, Foster, Jerome, McNulty, Penner, Prud'homme, Turner (*London East*), Whiting—(11).

Witnesses: From the Department of Manpower and Immigration: Mr. R. B. Curry, Assistant Deputy Minister (Immigration); Mr. J. C. Morrison, Director General of Operations.

The Committee resumed consideration of the Main Estimates 1969-70, relating to the Department of Manpower and Immigration.

Messrs. Curry and Morrison answered questions posed by the Committee.

After discussion vote 1, Departmental Administration was carried.

At 9:50 a.m., on motion of Mr. McNulty, the Committee adjourned to Tuesday, May 22, 1969.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, May 15, 1969.

● 0942

The Chairman: We have a quorum. This meeting is called to order.

Good morning, members of the Committee. I wish to ask for your co-operation on two subjects. The first relates to maintaining a quorum throughout the morning so that we can make progress in our work. This room is available to us for the entire morning. The Minister, however, will be able to stay with us only until 11 o'clock. Therefore, those who are interested in questioning him might perhaps so indicate to me first, and I will note the names and adopt our past procedure of one member per party.

Secondly, as you know, the position of the vice-chairman of this Committee is vacant. Before we proceed I should like to put the question of the election of a vice-chairman.

I will open the proceedings by inviting nominations.

Mr. Serré: Mr. Chairman, because of his great interest in the affairs of this Committee I would like to nominate Mr. Marcel Prud'homme to the position of vice-chairman.

The Chairman: Mr. Serré is nominating Mr. Prud'homme. Does anyone wish to second the motion?

Mr. Turner (London East): I will second the motion.

The Chairman: Mr. Turner seconds the motion.

Mr. Badanai: I move that nominations be closed.

The Chairman: Nominations are closed. Mr. Prud'homme is elected. Thank you, gentlemen. Mr. Thomson?

Mr. Prud'homme: I hope the Chairman will be absent once in a while so that I can try being chairman, but I will be happy to serve under him.

Mr. Thompson (Red Deer): Perhaps you should have in mind that for the newly elected Vice-Chairman and several others of us there is a serious conflict at 11 o'clock with a meeting on external affairs. It will be a bit

● 0945

difficult to have a quorum after that time.

The Chairman: If we could maintain a quorum of 11 it would be sufficient. Perhaps you can so arrange it that at least your two colleagues can stay.

Mr. MacEwan: Mr. Chairman, his two colleagues may have things to do too. I would not count on them—one of them, anyhow.

Mr. Thompson (Red Deer): Broadcasting, Films and Assistance to the Arts is also meeting this morning. There are about three overlapping.

Mr. MacEwan: Let us get on with the business, anyhow.

The Chairman: We are certainly starting with a quorum, and we understand that you have commitments. We will keep going on while we have a quorum. Does this apply to you, Mr. Brewin, as well? And to you, Mr. Broadbent?

Mr. Broadbent: I have another committee at 11 o'clock.

The Chairman: All right; we will see what happens at 11 o'clock. The minister is here. The first one to indicate a desire to question him is Mr. Broadbent.

Mr. Broadbent: Thank you, Mr. Chairman. Any first question of the Minister is an easy one.

He is ready to tell the Committee when he might be able to make his announcement in the House about his current review of the immigration regulations, particularly as they pertain to the "draft-dodger" question?

Hon. Allan J. MacEachen (Minister of Manpower and Immigration): Mr. Chairman, the

question is before my colleagues for decision. When a decision has been reached the announcement will be made as soon as possible. But it is in the mill at that level.

Mr. Broadbent: Thank you, Mr. Chairman. I wish to revert to a subject that was touched upon two meetings back. It is a general question, but I think it is relevant because we have a particular case here. I refer to the need for keeping directives secret—whether we use that word, or the word “confidential”, in relation to the members of the government or the civil servants who are directly involved?

I would like to have the Minister's response to this general question. As he probably knows, in Sweden, for example, and perhaps in other countries—I do not know—the general requirement now is that all government documents must be public. That is the general rule and there has to be a highly exceptional situation for anything to be kept secret. What does the Minister think of this, particularly as it relates to the question of immigration policy?

Mr. MacEachen: Mr. Chairman, I think this is more a matter for general consideration by a government, or perhaps by Parliament, than for an individual minister.

In general, however, I think it is correct to state that, aside from other documents, papers or memoranda or instructions that circulate within a department are normally privileged and not producible. That has been the practice and the tradition. There may have been exceptions, but that has been the tradition for a long time.

The basis of the tradition is that the public interest is best served by keeping these papers—this advice—within the department itself. For example, a memorandum from a deputy minister to a minister is always privileged; a memorandum from any staff to a minister is always privileged; and memoranda from a deputy minister to his subordinates has always been privileged. I think, certainly in that category, there are pretty clear difficulties involved in making that kind of documentation public.

• 0950

The case that we have been talking about relates to instructions that have been issued by senior officers to officers in the field relative to the administration of the Immigration Act. This has always been privileged.

Mr. Broadbent: Excuse me, Mr. MacEachen. Presumably you would distinguish between this kind of document and the one you were talking about a minute ago?

Mr. MacEachen: There may be a possible distinction. I have tried to investigate the general practice, and although there may have been exceptions, as I think the parliamentary returns people would advise, in general, the kind of document we are talking about has been privileged.

Points of view have been expressed about whether this whole practice ought to be changed. It seems to me that without any consideration the whole practice should be taken in its total context.

Mr. Broadbent: I am certainly not disputing your claim of the general historical precedent for this kind of secrecy though I am raising the question about its moral appropriateness in a democratic society. It does really go back to our English tradition which has been highly secretive in this respect in contrast, say, to the Scandinavian countries, which I think have followed a much more, small “l”, liberal approach which meets the demand of the democratic society, as I understand them, much, much better; meaning that information is not only open to members of Parliament but more important, therefore, to the public as a whole. However, I will leave that general question as something that could be pursued in Parliament.

Mr. MacEachen: We have as you know, Mr. Chairman, two motions now before the House, one by Mr. Lewis and one by Mr. MacDonald, asking for these particular directives. When I make the response for the government it will then be possible to transfer that for debate and have a debate on this whole general question. I think it would be a good thing to do because it can be suspected, when a document is refused, that it is being done to hide the particular content. It might be alleged to be a dangerous document or something that really we would not want to make public. There may be cases of that too, but I think it would be a good idea if there were a general understanding about the practice and have support for it.

Mr. Broadbent: The next question I have, Mr. Chairman, concerns something that seemed to me at the last discussion was not made very clear. It is the distinction that your Department makes between draft dodg-

ers and deserters. The Minister himself, if I am correct, has frequently cited the phrase "having substantial moral, legal, and contractual obligations" as being the kind of rubric under which you could conceivably place deserters. Therefore, if one accepts the directives or guidelines one might appropriately make the decision to keep them out. I would like to suggest that in terms of American law, as I understand it, there is absolutely no such legal distinction to be made between a draft dodger and a deserter.

An American citizen in either of these categories is breaking American law. So in legal terms he is a lawbreaker conceivably. There is some definition of contract, none of which I would accept because there is coercion involved in compelling someone to join the armed services in the United States and one can argue on moral grounds that both are under obligation.

The point I would like to make here is that I do not think the distinction that your Department has made between the draft dodger and the deserter is itself a tenable one in terms of American law.

Mr. MacEachen: Mr. Chairman, I am really not capable of discussing American law. The development of this question, the history of it, has taken place in stages. As I understand it there has never been any prohibition against draft dodgers in Canada. For example, a person who may be in the age category which is susceptible to the draft and who may have never received a call is still a civil-

• 0955

ian, has freedom of movement, and could leave before he ever received a draft notice.

While you might argue that there is a potential general legal obligation, or indeed, a potential moral obligation, it seems to me that there is a difference between that sort of case and a person who has been inducted into the army, who has, I gather, taken the oath, and who is now under military rule. In one case, the draft dodger is a civilian, he has all the freedoms of a civilian, and he has freedom of movement. The other extreme is a man who is now a member of the armed services, he is inducted, he is wearing the uniform, and he is under all the obligations of the services.

That is the distinction that has been drawn. Many people have argued that there is really in moral and potentially legal terms no differ-

ence, but I believe there is a very practical difference.

Mr. Broadbent: Mr. Chairman, with respect, as one says, I acknowledge that there is a factual difference between a man who is currently in the armed forces of a country and decides to leave and one who, in fact, is not yet in the armed forces. However, I do not think that is relevant to the guideline point, which, assuming the validity of the guideline point, refers to moral, legal and contractual obligations, because in terms of American law if you avoid the draft—that is, if you are a draft dodger—you have your instructions, or if you desert the armed forces you are breaking American law.

Mr. MacEachen: Yes, I think the man who deserts the armed forces undoubtedly is breaking a law of the United States. The man who comes to Canada as a civilian and who has not even received his call, what position do you put him in? Is he breaking the law?

Mr. Broadbent: No, if he has not received his call. However, if he has received his call...

Mr. MacEachen: Yes, but we come to the administrative difficulty of determining at what stage the man becomes subject to the kind of obligation that has been applied in the case of the deserter. We have drawn the administrative line. I think you can argue there is a difference between a man who is in the uniform and has taken the oath and the man who is not in the uniform and who has not taken the oath. I think most reasonable people would say that there is a difference.

Mr. Broadbent: Mr. Chairman, I just do not think that most reasonable people in looking at it from a moral perspective and not a factual one would say that there is a difference. The man in the United States who is in the armed services and has taken the oath as you say is coerced. It is not a freely entered contract, of course. He either takes the oath or goes to jail, in effect. In passing moral judgment upon an individual—which you implied by raising the question of oath-taking—to me he seems to be no different from the draft dodger. I think this is a very important question.

To get back to the point you raised about how we know whether or not an immigrant has received his draft notice, I admit that is a difficult problem. Also I think conclusion we

should draw from this is that we should clearly make it irrelevant whether he is a deserter or a draft dodger. We should ask him absolutely nothing about his military status.

Mr. MacEachen: In the case of the draft dodger, as you know, it is totally irrelevant and immigration officers are instructed not to seek any information with respect to a man whose draft status, as I understand it, would be irrelevant in his occupational history. Furthermore, the officers are instructed, if information of this kind is volunteered, to advise the person who is volunteering that informa-

• 1000

tion that it is irrelevant with respect to his admission to Canada.

In the case of the deserter, the policy is in a sense the victim of history because until 1968 there was, in the instructions, a prohibition against the admission of deserters as such. It has been gradually changed from the way that I described it last time.

Mr. Broadbent: I will not go over any more old ground on that point. I will conclude my questioning, at this point anyway, with a question on the number of officers available in Ottawa to hear appeals. As I understand it, someone who has applied for immigration status and has been turned down and is awaiting a further hearing...

Mr. MacEachen: A special inquiry.

Mr. Broadbent: . . . a special inquiry, and there have been very long delays. Could you tell us, Mr. Minister, how many people you have actually working on this in the Ottawa area?

Mr. MacEachen: Over time I have looked into this and I think I can say generally that throughout Canada we are keeping pretty well in step with the requirements in all provinces except Ontario and Quebec where there are delays. There are delays: our staff is limited; as you know, we are under a staff freeze and in order to meet the situation we have attempted to train additional persons in the Department who might be capable of conducting these inquiries in order to speed up the process.

Secondly, we are presently investigating the possibility of getting, for example, lawyers who would act for the Department in these special inquiries. There are delays for

the reasons I have stated and we are trying to cope with them and remove them by training additional people within the limited staff available and are now considering getting persons from private sectors, so to speak, to help in this business.

Mr. Broadbent: I still did not hear the figure of how many you have in the Ottawa area.

Mr. MacEachen: How many special inquiry officers?

Mr. Broadbent: Yes.

Mr. MacEachen: I do not know that figure.

Mr. F. V. S. Goodman (Director, Manpower Information and Analysis Branch, Department of Manpower and Immigration): In the Ottawa Immigration Office, as such, I think there is probably only one permanent special inquiry officer.

Mr. Broadbent: We have one?

Mr. Goodman: Others are available from the district office in Toronto. The S.I.O.s they can be distributed around, but the bulk of the work is in Toronto.

Mr. Broadbent: With the increase in demand, how many more do you think you would need to meet the current demand? You made reference to the possibility of hiring some lawyers to fill in, so to speak: Would an increase of another half dozen meet current demand, or three or two dozen?

Mr. J. C. Morrison (Director General of Operations, Department of Manpower and Immigration): I do not think I could give you an off-the-cuff precise answer to that. It is not simply the lack of S.I.O.s as such. The pro-

• 1005

ceedings are quite formal. Depending on whether a lawyer is representing the person who is before the S.I.O., they may be quite protracted. Records have to be kept very meticulously which means that for every S.I.O. you have to have a trained stenographer. Frequently it is necessary to adjourn hearings. I think, by the next meeting I could get you a fairly accurate estimate of what we would consider an adequate reinforcement of the existing staff. I would only mislead you if I tried to give you an educated guess.

Mr. Broadbent: I would appreciate that. I will leave off now, Mr. Chairman.

The Chairman: Thank you, Mr. Broadbent. Mr. Thompson.

Mr. Thompson (Red Deer): Mr. Chairman and Mr. Minister, the thing that bothers me in regard to this topic that is presently under consideration is that which places our immigration officers, serving internally within Canada and those serving at ports of entry, in very difficult situations. This policy change in respect of armed forces personnel from the United States or from other countries outside of Canada being able to apply once they are in Canada places an onus on the immigration officer serving at border points which is very discriminatory and unfair. How soon do you expect to have this thing cleared up by a redirective or a new change of policy that might correct that particular aspect?

Mr. MacEachen: Mr. Chairman and Mr. Thompson, I have been concerned from the very beginning about the obligation that is placed on officers overseas and at border points in their obligation to exercise discretion on what is a very controversial, delicate and moral issue. I do not think they can win either way if they exercise discretion even with the best of intention. That is one of the reasons why we ordered the review some months ago, and I hope that we can have this cleared up as quickly as possible; I hope very soon. I would hope that we could devise a method—I am not certain we can but I hope we can—that will remove the obligation of discretion from the immigration officer.

Mr. Thompson (Red Deer): Even apart from the obligation of discretion, the fact that due to this policy those who serve at border points are required to exercise that authority, where others do not, seems to be very unfair to your immigration officers.

Mr. MacEachen: I agree with you that it can place them in a very difficult position, and it has placed them in difficult positions. Really we are, I suppose for the first time in a long time, considering this whole problem at the government level. We are not proposing to remove the general discretion which can be useful in the exercise of discretion. For example, a person could come to a border point, or overseas, and score 47 points or 46 points, but might have some outstanding, striking characteristic of drive or personality that the officer ought to take into account in the exercise of discretion to admit that per-

son. I think we ought to keep that authority as a method of flexibility.

I accept the point you make as being a very valid point that we are now considering.

Mr. Thompson (Red Deer): I do not question the discretionary reference that you mention, which I think is a normal and a justifiable one. However, I fail to understand the reason for the difference between a person appearing at a border point or overseas and one who may, through his knowledge of the regulations, arrive as a tourist and be here and be treated differently from his friend. So there is a two-area reflection here: one, the discriminatory aspect of the policy, and the other the discriminatory unfairness of it all to immigration officers.

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Mr. MacEachen: Maybe what you describe as the unfairness to the immigration officer has been reached as a result of an effort to be considerate of the military deserter. The experienced administrators can correct me if I am wrong, but as I understand it, if a military deserter came to Canada and applied, and were turned down and went to inquiry, and then went to the Board and was turned down and had to be deported from Canada, we would be obligated to receive the consent of the receiving country. That would mean that we would directly deliver that person, if you want to put it that way—into the arms of the military in the United States. If a deserter is turned aside at the border, the instructions are that that person will not be admitted to Canada and he will be allowed to go back to the United States without his situation being altered from what it was prior to his application, which is a difference in the result. This is one of the reasons why I initially believe that this different treatment was developed with respect to deserters within Canada. I think there is something in that. It has obviously brought a difference in treatment on that basis. It was an effort to avoid, in the circumstances I have described, Canada's altering a man's situation by delivering him, as it would be necessary, into the hands of the law of the United States. Is this a correct statement, Mr. Curry?

An hon. Member: Can I have a supplementary?

The Chairman: If there are any points you want to add, please do so.

Mr. Thompson (Red Deer): I would be glad to yield the floor to the Deputy Chairman.

Mr. Prud'homme: After you.

Mr. Thompson (Red Deer): My point, Mr. Chairman, is not to carry through the argument that the hon. member...

Mr. MacEachen: Mr. Thompson, the point which you made is very sound. As I frequently stated and in my statement to the Committee, there were two aspects of the practice which seemed to require urgent review. One was the heavy discretion on the officer, and the second was the difference in treatment within Canada and at overseas boarder points.

Mr. Thompson (Red Deer): I appreciate that, and I do not want to be in a position where I am following up the argument for the hon. member for Oshawa-Whitby. I do not agree with his argument and I would just remind him that this does not apply solely to the United States because they also have compulsory military service in the UK and in France. This is a much broader thing than just the immediate situation...

Mr. MacEachen: Whatever policy we develop will have to be applied, as I see it, to all countries with any exception we made by Order in Council.

Mr. Thompson (Red Deer): At our last meeting, Mr. Chairman, I asked for a statement in regard to the number of high school and university teachers—although perhaps I should not differentiate in that category at all—who immigrated into Canada from the United States. Is that information now available?

Mr. MacEachen: Yes, Mr. Thompson I have that set aside. I have it here somewhere; if not, somebody else has. Yes, this is a rather interesting bit of information. In 1968 a total of 8,414 immigrants landed in Canada whose intended occupation was teaching. Out of that

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total of 8,414, 2,297 came from the United States and ranged from the dean of education or administration, and university president to a coach, governess and tutors. You will be quite interested to know that there were 763 secondary school teachers who...

Mr. MacEachen: How many points do I get?

Mr. Prud'homme: We will give him a medal.

Could we have that printed as an appendix?

Mr. MacEachen: Yes, I think so. Mr. Thompson, does this answer your question?

Mr. Thompson (Red Deer): No, I have more questions. Also, I want to know what incentive, in the form of tax allowance, is applied to bringing these teachers in? You said that it was National Revenue, but there must be some kind of agreement.

Mr. MacEachen: We were supposed to look that up and we will, Mr. Thompson. I am sorry, we have not checked with National Revenue.

Mr. Thompson (Red Deer): Is there such an arrangement for education?

Mr. MacEachen: Oh, yes.

Mr. Thompson (Red Deer): Could we have that presented to this Committee?

Mr. MacEachen: Yes.

Mr. Thompson (Red Deer): In relation to this report which shows that about 25 per cent of the total number of teachers who have immigrated into Canada were Americans, do you break down the total number into other nationalities? Is that included in the report?

Mr. MacEachen: You asked about the United States, and we have the number from there and then in the next column is the number from other countries. We could break it down further as well.

Mr. Thompson (Red Deer): Do you have statistics within the department which show the reverse flow out of Canada?

Mr. MacEachen: I doubt it, sir.

Mr. Curry: We are completely dependent on the United States itself for any information with regard to Canadians who emigrate there. In other words, we only have available certain statistics which the Dominion Bureau of Statistics may maintain on the flow into the United States. Each year we learn from these sources what the size of the movement into the United States is in total and in any detail which we might want to find out.

Mr. MacEachen: There has been a considerable demand for university teachers by Canada and, because of the rapid increase of

facilities and enrolments in Canada over the past years we have tried to look at this. Our best estimate is that Canada, from its own output of graduates, will not be able to meet the demand until 1970 or 1973.

Mr. Thompson (Red Deer): Could you, under Manpower Statistics give us a breakdown of just what is the potential need projected for five years as far as the projected supply of teachers in Canada is concerned? Is that possible from Manpower sources in Canada?

Some hon. Member: It has nothing to do with immigration.

Mr. Thompson (Red Deer): It has nothing to do with immigration. I mean our local...

Mr. MacEachen: Mr. Goodman are you able to make any comment on whether or not we have projections?

Mr. Goodman: The work on Manpower requirements and projections is going forward. I cannot answer the specific question that was asked, but I would have no doubt that, it is part of the program. I could not answer it at the moment, sir.

Mr. Thompson (Red Deer): I think that would be a very useful bit of information to have, particularly as it relates to guidance and counselling. With the university year now starting, it would be useful to know the projected need and supply in the area of educa-

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tion across the country. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Thompson. Next is Mr. Whiting followed by Mr. Brewin, Mr. Alexander and Mr. Prud'Homme.

Mr. Whiting: Mr. Chairman, I would like to ask the Minister or his officials some questions concerning immigration and manpower mobility.

The Chairman: Since the Minister is here, would you give precedence to questions related to immigration, and leave the manpower questions until later? Will that be all right?

Mr. Whiting: All right, fine. Mr. Chairman, to pursue our discussion of teachers, is there any financial support through the Immigration Department or the Department of Manpower Canadian graduate students in order to

enable them to proceed to advanced degrees? Does that come under your department, Mr. Minister?

Mr. MacEachen: No.

The Chairman: I do not know whose department that is under.

Some hon. Member: The Secretary of State.

The Chairman: It seems, Mr. Whiting, that it might come under the jurisdiction of the Secretary of State.

Mr. Whiting: All right. I will pursue the subject of graduate students. I noticed that in your release of May 8, you said there is an increase in the number of immigrants from Asia. Would you have a breakdown of the number of students—I am talking about university students—that have come here during the last one of two years.

Mr. MacEachen: Would we have a breakdown of the student population in Canada that is from abroad the answer is, yes.

Mr. Whiting: In your opinion, is there a lack of openings for people with Master and Ph.D. degrees in industry at the present time?

Mr. MacEachen: In industry?

Mr. Whiting: Yes.

Mr. MacEachen: I cannot answer that off-hand. I think we would have to make a special effort to find out. In the case of academic openings, our estimates in the Department indicate that Canadian universities will not graduate enough Canadian scholars to fulfil their academic needs until 1973; therefore it will be necessary for Canadian universities to look abroad for some time, for a proportion of their needs in the universities. In the case of industry, I cannot be as categorical, but we will try and track down any information we have. I think it may be difficult for us but we will try.

Mr. Whiting: Mr. Minister, are you aware of any problems in assimilating Asian graduate students into industry, teaching or governmental levels?

Mr. MacEachen: No, I have not been made aware of any problems in connection with that. Are there any comments that the officers would like to make on this point?

The Chairman: I think a distinction has to be made in the case of students coming here to study.

Mr. Whiting: No, I am speaking of students who come over from Asia, attend our universities, go into postgraduate work, and then pursue a career in business, teaching or government service.

Mr. MacEachen: There are, as the Chairman has pointed out, certain cases where

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students are under obligation to return.

Mr. Whiting: No, I am not talking about these students.

Mr. MacEachen: We are not directly aware of the practice of universities or industry with respect to the acceptance of Asians. We do not have as part of our apparatus, knowledge of that point; at least, I do not think we have intimate knowledge on that subject which is one that relates to the whole institutional attitude to people from other countries.

Mr. Thompson (Red Deer): Mr. Chairman, I have a short supplementary? Does the Department consider favourably the application of an Asian student, for example, who has been in Canada under a CIDA scholarship, and who by his own means or through scholarship wishes to stay for graduate work? Are such students permitted to stay or must they return?

Mr. MacEachen: We attempt to co-operate with developing countries in returning to that country students who have been educated here and who have an obligation to return to their own country. Any disinclination on our part to accept them in Canada is an effort to co-operate with the country of origin. We would have to examine the specific cases to find out what the obligations were, but I know that there has been concern expressed by other countries that we not encourage students to stay here who have obligations to their own country, and who have a capability to contribute to the development of that country.

Mr. Thompson (Red Deer): I do not disagree with that. I only hope that this policy is consistent, so that there are not some students who have contracts and others who do not and who are allowed to stay.

Mr. MacEachen: In the last few months we have been looking at this with the Canadian International Development Agency and with the Prime Minister, because it has been a matter of discussion with other countries.

The Chairman: Mr. Whiting, do you have any further questions?

Mr. Whiting: Yes, just one more question; I will sum up what I have been attempting to get at. At the present time, Mr. Minister, would you say that there is an oversupply of engineers and scientists from Asia in Canada today?

Mr. MacEachen: No, I would not say that.

Mr. Whiting: In other words, they are being assimilated into industry.

Mr. MacEachen: It is an important point and I would like to have our people look at it carefully. Generally, however, I would not say that there is an oversupply.

The Chairman: Mr. Francis.

Mr. J. P. Francis (Assistant Deputy Minister, Manpower, Department of Manpower and Immigration): I think, Mr. Chairman, that Canadian universities and Canadian employers have had a problem in determining the meaning of the qualifications of these people, the qualifications that they secured outside of Canada. Beyond that I am not aware of any problem.

Mr. Whiting: I was referring to those who received their qualifications from Canadian universities.

Mr. Francis: In that respect I am not aware of the sort of problems to which you are referring.

Mr. Whiting: I see.

The Chairman: Mr. Whiting, are you finished your questioning?

Mr. Whiting: Yes.

Mr. Broadbent: Mr. Chairman, I have a short question. I am curious to know what is behind Mr. Whiting's questioning. Is there some suggestion that qualified Asiatics are being discriminated against?

Mr. Whiting: I was just wondering if they are being assimilated, if they are being accepted within industry and within the teaching professions. This is what I am trying to determine.

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Mr. Brewin: Mr. Chairman, I would like to ask the Minister about a few points of general concern. I think it has been generally

acknowledged that the main system of selection of immigrants is contained in the 1967 regulations Nos. 31 to 34. This consists of admitting sponsors, nominated and independent applicants. In regard to the nominated and independent applicants they are admitted upon a point system which is set out in Schedule A and B. Does the Minister agree with me that this is the very core of the present policy in regard to admissions? I appreciate their prohibition in the Act as well, but basically is this where one would find the present policy?

Mr. MacEachen: Yes, I would say so.

Mr. Brewin: In regard to that. I want to ask a number of questions which are partly suggestions or submissions to the Minister. How have the 15 points for personal assessment worked out? Has this been investigated to see how it works out? Are there any guidelines given to officers as to personal assessment? I have the impression that this is a matter of considerable complaint and puzzlement on the part of would-be immigrants that as much as 15 out of 50 points, or more than that in the case of nominated relatives, is still the subjective hurried look at some individual and that it lends itself possibly to over-emphasis on the subjective judgment of the immigration officer examining the person.

Mr. MacEachen: It is a fact that there are 15 points in the total range assigned to personal assessment and the immigration officer is expected to assess the applicant on adaptability or the basis of initiative and resourcefulness. As I look at these words, they are pretty abstract words. They are not common Anglo-Saxon words and we have tried our advice to the officers to give some indication of the meaning or the content of these expressions. There is no doubt about it, it is a subjective judgment. I think it is perfectly accurate that it is subjective and the results of the assessment depend, I suppose, on the understanding of the individual officer, his capacity to weigh these and to reach conclusions.

This is really, in a sense, the only subjective aspect of the assessment and has been regarded by the committee that studied the matter in the past as at least an element that ought to be taken into account. We are reviewing the selection system in an effort to determine whether in the future there ought to be changes, trying to determine how well it has worked. I have not personally received

a great number of representations on the personal assessment aspect, but it has always, and must be, regarded as a subjective assessment by an officer.

Mr. Brewin: I would like to make a representation to you that if you are going to maintain this subjective personal assessment you should move it down to a much lower degree because when you are taking 15 out of 50 points...

Mr. MacEachen: A hundred.

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Mr. Brewin: Out of a potential hundred, yes, but you have to get 50. Fifty is the amount you have to achieve. You are leaving an awful lot to a judgment that could be, in the nature of things, not fair to people of certain groups who otherwise might be qualified. I would like to make the submission to you to consider seriously, say, bringing it down to 5 out of 50 points or something like that to give the immigration officer some potentiality. It is not as big in relation to the other factors.

The next point I would like to call your attention to is that another 15 points, another very important aspect of this, is occupational demand. It has come to my attention that people are assessed on the basis of occupational demand. The Regulation says that they be assessed:

On the basis of information gathered by the Department on employment opportunities in Canada...

It is my understanding that this assessment is being made. In some cases zero points given and no information whatsoever is provided to the would-be immigrant or his representative for consideration at a later stage on what information is gathered by the Department. It is not made available on enquiry; therefore, you often get the situation that a person is given nothing for occupational demand. He has no knowledge of the basis of this information.

I would like to make a representation that that is extremely unfair and should be looked into. If this sort of question of occupational demand as assessed by the department is to be taken into account, and I think it should be, I think it is a sound proposition, I suggest that that information in some form or other, perhaps summary form, and relevant to the

particular case, ought to be made available on request to the person concerned. • 1040

I point out that if you do not have that appeal is virtually meaningless because an appeal board is put in the position that an occupational demand has been fixed at zero or two or three with no knowledge of the information gathered by the Department. It has no knowledge whether it is regional. It has no knowledge if a slight change in the job description, as it were, were given, whether or not it would then be possible for a higher, more favourable assessment of occupational demand to be made. I have seen this working as one of the major weaknesses in the present situation. I am afraid I have made a bit of a speech out of the question, but I would ask the Minister to give this consideration.

Mr. MacEachen: Your point is not that occupational demand should be disregarded?

Mr. Brewin: No, no.

Mr. MacEachen: You think that is an important area?

Mr. Brewin: Absolutely.

Mr. MacEachen: But at the point of inquiry there would be some information as to the basis of the judgment on which, say, zero has been given.

Mr. Brewin: Presumably the examining officer has been furnished with information. If he is furnished with information to make an adverse judgment, surely the applicant and those who represent him have the right to know the basis of that judgment, or otherwise a highly important element. I can assure you that I have had practical experience with this problem. All I can ask is that you give serious consideration to this in the review being made. Not only to the review of what may be said to be in the Regulation, but to the instructions as to how the inquiries under it are to be administratively conducted in the Department.

I have just one other point on this general matter and I think, again, it is more in the form of a representation. The Immigration Appeal Board is, as the Minister will know, given a discretionary jurisdiction under Section 15 of its Regulations to override, as it were, the Regulations in special cases of compassionate or humanitarian grounds or some cases of unusual hardship. This is in regard to applicants for admission.

As has been pointed out in another connection, the relevant regulations I think it is Regulation 32(4), provide that notwithstanding that when an independent applicant does not meet the norms set out in Schedule A he may be excluded or he may be admitted. The applicant may be refused admission even when he does meet these norms if, in the opinion of the immigration officer, there are good reasons why these norms do not reflect the particular applicant's chance of establishing himself successfully in Canada. In other words, notwithstanding this assessment system there is a discretionary power—limited, it is true, to cases where the norms are not considered as being sound guides to the ability of persons wishing to establish themselves successfully in Canada—but in those cases to override the regulations, to exercise what is really a discretion. This has been mentioned in connection with cases of deserters, although I do not think there is any application there, but this general discretion does exist.

The submission I want to make to the Minister is that it does not make sense that the Immigration Appeal Board, which is an appeal board set up to review all of these matters, has no discretion in regard to this matter while every immigration officer, both inside and outside of Canada, in reviewing these matters has a wide and absolute discretion. I know that the Immigration Appeal Board have had cases before it which in their view were deserving situations and where there was every likelihood the person could establish himself successfully in Canada, but no discretionary powers were given to it in respect of these cases. However, the individual immigration officers have the power of exercising their discretion and my submission to you, sir, for your consideration is that it could be done by a very simple amendment to the Immigration Appeal Board Act. I also submit to you that the discretionary powers of the Immigration Appeal Board, should be expanded to at least as wide a point as you give the individual officers who are scattered all over Canada as well as outside Canada.

Mr. MacEachen: As you state, at the present time the sole responsibility for the assessment is exercised by the examining officer. The point score is not altered by the special inquiry or by the Immigration Appeal Board.

Mr. Brewin: It is a clear error that it cannot be, but they cannot substitute their judgment...

Mr. MacEachen: No.

Mr. Brewin: ...on this discretionary power.

Mr. MacEachen: At the present time, the Board does not alter the score. As you know, they have wide discretionary powers for humanitarian and compassionate reasons. In one sense the discretion which they apply is without limit, but as I understand it they are not permitted, nor is the inquiry officer—and perhaps you can check me on this, Mr. Curry—to alter the score. There is a case...

Mr. Brewin: I think you are a little too broad in that respect. However, it does not affect my other point, which is that they clearly do not have the right which is given by subsection 4.

Mr. MacEachen: For example, I know of no case where the Board has said, "It should be 52 instead of 49". At least, that is my understanding from the information I have received. I understand there is at present a case before the Supreme Court which deals with this very point of whether the Board can alter the points scored.

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There are a number of observations that could be made in consideration of what you have said, Mr. Brewin, but I would like to make one or two points on this particular situation. The exercise of discretion in a fully procedural manner has not been widely used by officers—it is used more abroad than at border points—it has been used sparingly. One thing that concerns me is that if under the present selection system the Board were asked to reassess, as they would have to do, then presumably all applicants would be expected to appear before the Board.

Mr. Brewin: I am not really suggesting that they reassess on the individual point system, I am suggesting that when they hear a case they be given corresponding discretion to the discretion which is given to individual immigration officers by subsection 4.

Mr. MacEachen: They would not be asked, they would accept the score. They would not be asked to reassess but they would be given the same power that the officer has, aside from the score, to say, "This man will make a good settler in Canada".

Mr. Brewin: Yes, because I think if you discuss this matter with the Immigration Appeal Board you will find that they have

run into a number of cases where they are satisfied that the person will be able to successfully establish himself in Canada, and this may not even have been adequately considered by the immigration officer. The Immigration Appeal Board should have a discretionary power, and I think they above all people should have this power because through the exercise of it we would gain the discretion of a very expert board that spends all its time on these matters. I do not think they would exercise it very broadly but they should have the same power that you give to every official scattered around the country and who admits they do not have, and cannot expect to have, the same qualifications as people especially chosen for the Appeal Board.

Mr. MacEachen: I think you have clarified a number of points this morning that I had not appreciated. I had assumed that the Board...

Mr. Brewin: It may be that this is a matter which the Committee as a whole would like to discuss, but I am putting it before you to get your views on it. I have a couple of other questions but I think I have taken too much time already.

Mr. Chairman: As the Minister is here, you may go on.

Mr. Brewin: I have two questions on the matter of deserters, if I may, and these, I think, are matters of principle.

Mr. Minister, do you agree that the principle of exclusion on the one hand and admission on the other should and must be either set out in the Act or in regulations passed by the Governor in Council in accordance with the Act and duly promulgated, published and so on, and that this must be the basis of the admissibility or otherwise of people into this country. That is the whole scheme of the Act, is it not?

Mr. MacEachen: Yes, I would agree that the principle should be set out.

Mr. Brewin: I can understand the use of directives, the point of clarifying, of suggesting interpretations to officers who want to know the background and what the need is, but is it agreed that directives issued in this way and which are not approved by the Governor in Council or Parliament would have no legal effect on admissibility or inadmissibility.

Mr. MacEachen: I think I know exactly what your point is, and we had a little dispute about this the other day. With respect to the principle, I am certainly in agreement with you that no new principle should be bootlegged into the directives that is not visible in the regulations.

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Mr. Brewin: For instance, if you are going to exclude people on the ground that their matrimonial affairs are not in order for some reason or other, should that not be set out either directly or by implication within the pronounced law on this subject, which is the Act and the regulations?

Mr. MacEachen: In one sense the officer, in the exercise of his discretion and seeking the approval of his superior, has a sort of a total discretion. Is that not right?

Mr. Brewin: No, I think not. I think we are at the very root of the matter. Surely the officer's duty is to give effect—and use his own judgment, that is true—to the principles and the standards set out by Parliament and by the Governor in Council.

Mr. MacEachen: Under Section 32 (4) of the Immigration Regulations, and notwithstanding the scoring, the officer can approve the admission or refuse the admission if in his opinion there are good reasons why these norms do not reflect the applicant's chances of establishing himself successfully in Canada. That is the general principle. The officer must have good reasons, and they must be approved by his superior officer. That is the general principle and I certainly would argue that the guidelines in which we have given advice, are merely guides. He can observe them or not, but in one sense, as illustrations, they can be regarded as sort of limiting his discretion if he were to take them slavishly. It may be better to expose such categories rather than have them in directives because if they stand up in our judgment, they ought to stand up in the judgment of other people. If they are not susceptible of standing up to examination, then we should not put them in guides. I think in my statement we have made clear to the Committee the kind of guides we have given. In your view, of course, one of the guides is not a proper one.

Mr. Brewin: I am suggesting at this point, whether it is proper or not, it should be con-

tained in a lawful enactment and not in a mere directive.

Mr. MacEachen: Either in the law or the regulations.

Mr. Brewin: Yes. Thank you very much, Mr. Chairman.

The Chairman: Are there any more questions? Mr. Alexander.

Mr. Alexander: Thank you, Mr. Chairman. Mr. Brewin has covered most of the problems that I intended to pursue, but I would like to clear up a few points in respect to the regulations and guidelines.

I take it, Mr. MacEachen, whether they are secret or otherwise, that there are guidelines available to your immigration officers; is that true?

Mr. MacEachen: You can use the modern expression “guidelines” or “guidance” or “help” or whatever it is. We feel that in the administration of difficult and complicated law and regulations that officers overseas and at border points should be given help and the purpose of the instructions that go out is to help them in the administration of the law.

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For example, we talked about the personal suitability aspect. We try to help them in understanding what is meant by “adaptability”, “motivation” or “initiative”. These are highly abstract expressions and I daresay that most people would like to have some help in administering that aspect of the regulations. With respect to the general discretion we try to give some help, and in many cases it is favourable help. It is help that will admit people to the country. As was shown last meeting, at points overseas the discretion was exercised seven to one in favour of the applicant. We tell them to take a positive, sympathetic attitude. We think we ought to try to put some life into the application of the law and the regulations, and we do have helps in the operations manual without which I think an officer would be terribly handicapped.

We have no desire to have anything in the guidelines that is in conflict or not in accord with the regulations. In fact, we try to pattern ourselves as slavishly as possible under the regulations.

Mr. Alexander: What concerns me is the extent and the wording of these guidelines

which have followed and may supersede the Act itself. We have talked about guidelines, and I believe, Mr. MacEachen, you granted a confrontation with Dr. McClure who seems to feel that these guidelines, which you state are for the purpose of guidance, are more than that, and rather are directives; and, perhaps to use another expression, are operating instructions.

Because of this difference of opinion, are your officers, in fact, using your directives and operating instructions more so than the regulations? This is the part that becomes important, depending upon the strength of your guidelines and what is in them.

Mr. MacEachen: If you look at the selection system, with the point system, with the exception of personal suitability and the general discretion, the other factors are based on what we strive to ensure are totally objective factors or elements: education, training, age, the capacity to speak English or French, and the demand for an occupation. These are objective criteria in the selection system. I have no hesitation in saying in the assessment aspect under "personal suitability" contained in the regulations each examining officer has to examine that person himself, and to that extent it is subjective. All we do in a case of that kind is to give him some help in determining the meaning of such words as "initiative" and "adaptability." We are not making new law. We are not making new regulations. We may make mistakes, but we are certainly not trying in any way to overcome the regulations or the law. We are trying to conform to them exactly and to help officers who must have help. They have not all had professional education, and they need help.

Mr. Alexander: Are you saying that really these guidelines are for the purpose of guidance and that ...

Mr. MacEachen: Of course.

Mr. Alexander: ... you are directly opposed to what Dr. McClure says? They are not directives; is that what you are saying?

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Mr. MacEachen: As you know, Dr. McClure and I had a disagreement, and subsequent to the disagreement we had a meeting with the officers or the principal leaders of the United Church and we discussed all these matters and I think we improved our understanding considerably.

Mr. Alexander: Mr. MacEachen, I take it then that you met with a delegation from the United Church and you feel that the ensuing dialogue has answered the questions. Is there any thought of that particular delegation coming before the Committee? Has that been explored at all?

Mr. MacEachen: That is a matter for the Committee.

Mr. Alexander: Have you any objection to ...

Mr. MacEachen: No. I was asked to see them and I saw them myself, but it is up to the Committee to decide what witnesses it wishes to have.

Mr. Alexander: You have no objection to that?

Mr. MacEachen: I have no objection. That would be the surest way to have them here if I said that I objected.

Mr. Alexander: Just let me ask you this, Mr. MacEachen. I am interested in your guidelines to this extent. Have you different guidelines for different countries?

Mr. MacEachen: No, sir.

Mr. Alexander: You are emphatic with that answer.

Mr. MacEachen: Absolutely.

Mr. Alexander: Is there a possibility of us ever seeing these guidelines?

Mr. MacEachen: We have discussed that, Mr. Alexander. I am merely resting, as I have discussed quite extensively at the last Committee and this morning, on the general policy that has been followed—maybe not in every case but generally—that the exchange of memoranda or paper, or guidelines within a department is privileged and not normally made public. That is the only point.

Mr. Alexander: You stand by that.

Mr. MacEachen: I stand by the old long-established practice that ought to be changed, it seems to me, in a general way rather than in a particular case. There are always motions up in the House about memoranda, exchange within a department and I do not recollect any case where they have been accepted. It would be a matter for general consideration and a general decision as to what ought to be done.

Mr. Alexander: There was something touched upon earlier with respect to those who are seeking higher education whether it be a degree or postgraduate work, who because of their thoughts of this country being so affluent want to stay. Have you any figures on how many graduates or postgraduates have applied for landed immigrant status? I know there seems to be such a desire by many who come to Canada to complete their education. They feel this is the type of country to live in. Have you any figures on that at all? They come here for the purpose of studying and then at the conclusion of that study they show some desire to stay. Have you any figures on that at all?

Mr. Lambert (Edmonton-West): Mr. Chairman, may I raise a point of order?

The Chairman: Yes, Mr. Lambert.

Mr. Lambert (Edmonton West): I am not a member of the Committee and I know that other people have indicated a desire to examine the witnesses and so forth and I am quite prepared to take my turn whatever is the procedure in this Committee. Unfortunately in the Finance Committee at this very time some amendments are being brought forward by the officials of the Department of Industry, Trade and Commerce at my request and I have to be there in order to discuss them. I would like the opportunity of asking questions perhaps about twelve o'clock when I think I could come back to the Committee.

The Chairman: Mr. Lambert we would be more than happy to do this. It depends on the degree of cohesion and the quorum of this Committee. If we have the co-operation of all the parties we could hold onto a quorum and if you are here at twelve o'clock then you will be permitted to ask questions.

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Mr. Lambert (Edmonton West): Do your rules permit you to go below a quorum for discussion and examination of officials?

The Chairman: No, there is no necessity for that, but we would like also to proceed with our work.

Mr. Lambert: If the Committee could hear me after twelve o'clock or at 5.30 p.m.

The Chairman: We will do our best but we will also strive to maintain a quorum so that we can call certain items.

Mr. Lambert (Edmonton West): I do not fit into a quorum.

The Chairman: The meeting will go on after the Minister has departed and certainly so long as a quorum is here, Mr. Lambert. We need the co-operation of all the parties to maintain a quorum. We are here today to do as much as we can. Mr. Alexander the floor is yours.

Mr. Alexander: I know the Minister cannot answer the question but I do not know whether any of his officials can.

Mr. MacEachen: I know the point. Students who came to Canada who wanted to remain and who have been permitted to remain. Could we produce any statistics on that?

Mr. R. B. Curry (Assistant Deputy Minister, Immigration, Department of Manpower and Immigration): Mr. MacEachen, it is a little doubtful if we have our statistics broken down as finely as Mr. Alexander requested but either from our own sources or from CIDA, the development group, or from External Affairs itself we may be able to get those sorts of figures. The best we can do is give it a try.

Mr. Alexander: Good, that will be fine. I would certainly appreciate that, sir. I do not think I will take any more time, Mr. Chairman, I will pass.

The Chairman: Thank you, Mr. Alexander. Mr. Prud'homme has deferred his questions and it is now eleven o'clock.

Mr. Badanai: May I ask a question?

The Chairman: Would you like to ask a question of the Minister before he goes? Mr. Serré do you have a question of the Minister before he goes?

Mr. Serré: I believe my question could be asked of the witnesses.

The Chairman: All right. Then we will give Mr. Badanai the floor so that the Minister may leave.

Mr. Badanai: In 1967, we admitted to Canada some 220,000 immigrants, a creditable figure for which I wish to compliment the Department. However, in 1968 the figure dropped to 185,000, a number which included some 8,000 or 9,000 refugees from Czechoslovakia. Frankly, Mr. MacEachen, I am rather concerned with this backward trend in

our immigration policy. Would the Minister indicate the reason for this reduction?

Mr. MacEachen: Yes, there has been no change in policy.

Mr. Badanai: There must have been a change of policy it is a question of about 38,000 less.

Mr. MacEachen: Yes, but in the 222,000 in the year you mentioned I think 10,000 of that number were persons who had been in Canada as non immigrants and whose status was more or less brought into line. So the actual flow into the country was about 210,000. This year we have 182,000 or 185,000. As far as we can determine there are two basic factors. One is the operation of the selection system itself which is related to economic conditions...

Mr. Badanai: Has that been changed then?

Mr. MacEachen: No, no. We had a soft employment situation, that is one reason. The other reason is that in certain areas from which we draw immigrants the economic situation was very strong. The combination of these two factors, it seems to me, and possibly the operation of the new selection system—this is the first year that it operated—brought about these results. There was no decision by the government or by the Department to say, "We are going to keep people out", except through the mechanism we administer through the selection system.

Mr. Badanai: What are the prospects for the future with regard to the admittance of immigrants?

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Mr. MacEachen: I think the economic situation is strengthening in Canada and that gives us at least a better foundation under the selection system to bring people in. Mind you, we had about 11,000 refugees this year, which should be taken into account.

Mr. Badanai: In other words then, it appears that our immigration policy is geared to our economic conditions of the time?

Mr. MacEachen: Yes, the selection system is. I think it is sound from the point of view of the country and the point of view of the immigrant not to encourage admission to Canada when there are no hopes of jobs.

Mr. Badanai: That is very interesting. I have other questions but I realize that the time is up.

The Chairman: Thank you Mr. Badanai. Before the Minister leaves and in order to accede to a request from Mr. Lambert who would like to ask questions at 12 o'clock, and since all the officials have made their time available this morning, I would like to call a few votes now and then, after the Minister has left, we can go on with other questioning. We will proceed to take the votes when the quorum is here, then we can go on with questioning. In that way we can best utilize our time.

Except for Vote 1 which is Departmental Administration, I shall call the other Items so that we retain only one before the Committee which gives the broadest possible scope both for Manpower and Immigration. We will then see by the end of the meeting what is left. We will certainly leave out today the Immigration Appeal Board which is very important and which will be a separate meeting. I shall call first of all a minor Item, Vote L-115 which you will find on page 465.

Votes 5, 10, 15, 20, 25 and L115 agreed to.

Thank you. Thank you, Mr. MacEachen.

Mr. MacEachen: Thank you very much Mr. Chairman and gentlemen.

The Chairman: The next question is from Mr. Serré. Is it on Manpower or on Immigration?

Mr. Serré: On Immigration, Mr. Chairman.

The Chairman: On Immigration. Mr. Curry perhaps you would listen to the question which will be followed by Mr. Whiting and by Mr. Murphy?

Mr. Murphy: I will pass my questions. They were for the Minister.

The Chairman: I am sorry, Mr. Murphy. I did not know that. Mr. Serré, have you a question?

Mr. Serré: Thank you Mr. Chairman. I have a few questions. First of all, in answer to Mr. Whiting's question regarding the Asian teachers, the Minister answered that there was no problem. I happen to know of a few cases of Asian teachers coming to our country and starting to teach in our schools, and since they are not familiar with our teaching methods, they have to quit teaching and take

courses which have to be paid for by us. Could someone in the Department elaborate on any problems encountered along that line?

Mr. Francis: Mr. Chairman, again I have to say I am not familiar with any problems of this kind. We do, of course, provide language training in either French or English to immigrants so that they can find employment as quickly as possible. We would not be providing training of a professional nature to teachers or to a person in any other type of profession.

We do provide, in addition to language training, occupational training and this is training below the professional level. If it were a matter of a teacher not having a suffi-

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cient level or a degree of professional qualification, then under our Adult Occupational Training Act we could not help such a person.

Mr. Serré: We mentioned a while ago that foreign teachers coming to Canada to teach had tax exemptions for the first two years. I consider this somewhat unfair to our Canadian teachers. I feel if we have a shortage, then the same benefit or exemption could be offered to our graduates in order to interest them in going into teaching.

Could we find out whether or not a major promotion abroad is being carried out in order to attract foreign teachers, telling them that they are being offered this two year exemption?

Mr. Curry: Mr. Chairman, I might say on the question of teachers that the search for additional teachers for the needs in Canada tend to be carried out in the main by the provinces or by the municipalities affected. This goes on all the time. For instance, the education authorities in the city of Montreal, both Catholic and Protestant regularly send recruiting teams abroad. We help them to find the sort of people they want, but they take the initiative. Whatever inducements might be added would be ones that they give. The provinces, particularly Ontario and some of the prairie provinces, also lend their good offices to help the municipalities get that sort of person.

We had an instance of this sort of recruitment with regard to Australia during 1968, where a Committee from the school authorities of the city of Toronto went to Australia

and carried out this sort of search for personnel.

There are undoubtedly incentives that are offered in these instances, either in terms of salary or otherwise, to these people. But our job in that connection is to carry out the very heavy responsibility, of course, of seeing that these persons as individuals were properly immigrating to Canada.

Mr. Serré: Could we have statistics giving the number of such teachers who received this tax exemption in 1968?

Mr. Curry: I did not speak of tax exemption. We would have to look at the situation very carefully to find out what arrangements had been made for any sort of remission of taxes. I know of none that have been made by the federal government in the income tax area, but there may have been some compensations offered by the municipalities, or indeed even by the provinces who would pay back or make an adjustment to the individual teacher on the obligation that that teacher incurred on the federal income tax. We can look into this and I think get some information on it that would help meet your point.

Mr. Serré: Thank you very much, Mr. Curry.

The Chairman: Thank you very much, Mr. Whiting.

Mr. Whiting: Thank you, Mr. Chairman. I have a couple of questions to do with Manpower. My first question deals with the seasonal construction worker. I think I can best ask this question, by using the example of a person who operates a asphalt roller. Asphalt plants close down in November or December and there are nine chances out of ten this

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person will be laid off. Then he registers at Canada Manpower for a job in the wintertime. What type of a job would that person be required to take? For example, if he said: "I am an asphalt roller operator," and that is it, and you know that you do not lay asphalt in the wintertime, would he then be entitled to refuse any other jobs that were offered to him through Canada Manpower?

Mr. Curry: You are now asking a question that is distinctly in the manpower area. I ask Mr. Francis to respond to it.

Mr. Francis: Mr. Chairman, he is not required to take any kind of a job; he is not required to do anything. I am not sure what you had in mind when you used the word "required" but I think you may be referring to his eligibility for unemployment insurance benefits. If you did, that would be a matter concerning the Unemployment Insurance Commission and not us. As far as the Canada Manpower Centre is concerned, he would be referred to any job for which his qualifications and his experience would suit him. It would be reasonably clear what kind of work he could do. I use the word "refer" with care because the decision as to whether or not he is actually hired is, of course, that of the employer, not only of the CMC. The CMC would not be limited in referring him just by his qualifications, as in this case the operator of an asphalt roller.

They would endeavour to find out whether or not he had other qualifications, and in particular, other qualifications that would make him suitable for the kinds of jobs which they may have open. They would endeavour to refer him to such jobs. During the winter months, it is important to understand that there will be quite a few people registering and that he will be in competition, in terms of his qualifications, with others. It will be the task of the counsellor in the Canada Manpower Centre to refer to the employer the most suitable person in terms of qualifications. That competition may make it difficult for him actually to get another job.

Mr. Whiting: If he was the type of individual who would rather collect his unemployment insurance benefits which he is entitled to, he has contributed for them, would you make every effort to try and find him a job with the qualifications that he has, other than this particular job he is on right now, say an asphalt roller operator? Would you take this into consideration in sending him out to prospective employers?

Mr. Francis: Yes, our task is to get him a job. We would make every effort to get him any job that he could do satisfactorily.

Mr. Whiting: Regarding mobility grants, the Department pays mobility grants to an individual, for example if he is living in the Maritime Provinces and comes to the Toronto area to seek employment. He may have a family back home, but if he comes up himself and gets a job, you will pay him a grant to do this; is this correct? Suppose that he gets a

job from May until December. Again I refer to the construction industry. If he is laid off in December and he cannot get employment, do you pay his way back to this home? Do you have a grant for that?

Mr. Francis: No, Mr. Chairman, under those conditions we would not pay his way back.

Mr. Whiting: Thank you. According to the Minister's statement on page 8, your training courses, are largely provided by the provinces or the municipalities. Does the federal government pay 100 per cent for these courses?

Mr. Francis: Yes, Mr. Chairman we pay the

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total cost of these courses including overhead charges, depreciation on capital and administrative costs.

Mr. Whiting: That completes my questions Mr. Chairman.

The Chairman: Thank you, Mr. Whiting. Mr. Murphy.

Mr. Murphy: Mr. Chairman, I do not think that these gentlemen can answer my questions. As I indicated earlier, I was more interested in asking questions of the Minister. However, I do not know when the Minister is coming back. He may be back tomorrow but it is impossible for me to be here at that time. I would like to make an observation, for the record and then maybe the Minister can clear it up at a later date. I am somewhat concerned, as Mr. Brewin was earlier, about these directives going from the Department to the employees or officers at the border.

Under the rules, these directives cannot be made public or are not subject to being made public, because of precedent. I accept the Minister's statement that the directives are given for the purpose of helping the officer to understand and interpret the law at the border. This is where I disagree. If the words are that complex, the law itself should be made clear so that the Department is not placed in the position of interpreting the law. Parliament passes the laws; so Parliament should pass the laws. The laws should be administered by the Department and if the laws are to be interpreted, they should be interpreted by the courts.

Here we have the ridiculous situation of the Department itself interpreting the law, in

such a way that it is not subject to the scrutiny of Parliament or the courts. Now, it is a good idea to have these officers given help and guidance; I have not no quarrel with that but it seems to me that rather than doing it in the way in which it is done where the directions are not subject to public scrutiny, it would be much better to have the Act, regulations, guidelines or whatever the instructions are set out in the regulations or in the Act itself. In this way, we get away from all of this criticism suspicion, and one thing and another which we now have. Everything would be out in the open, and subject to public scrutiny. If it is the law of the country then it should be, out in the open. I have nothing more to say.

The Chairman: Thank you. Mr. Alexander.

Mr. Alexander: I do not think I can add anything further. Mr. Brewin and myself pursued the same sort of reason that Mr. Murphy has just elaborated upon. I think it is extremely significant that we take particular notice of the statement made by Mr. Murphy. Here you have the Department that sets, or at least it is following, regulations but at the same time interpreting law and I think this is wrong. Mr. Murphy said that it is the court and not the Department itself that should interpret the law. I think this matter should be given all due consideration and that satisfactory solutions should be brought forth just as soon as possible because it is wrong, in principle, to have the Department interpreting the law. I have nothing further to say, Mr. Chairman.

Mr. Curry: I think I would be invading the Minister's field if I respond to the comments that have just been offered. It would be more appropriate if it were left to him to debate the issue. However, I can offer a factual observation that might be helpful to the members. The Immigration Act, and the regulations under it, involve very complex matters. It would be almost impossible to leave it to the interpretation of a border officer or one of our more junior people, in terms of status and pay. We have to hire the sort of person who can do an interpretation.

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Over the years, the interpretations in the immigration area have become volumes that run some inches in thickness. I suggest it would make a very awkward pile of legislation if interpretations were, in effect, written

backwards into the legislation itself, either in the Act or in the regulations. Every department of government that I know anything about, and every statute administered by departments and by officers of those departments, involve interpretations, and they tend to mount up.

My own experience has been with three statutes well known to all the members here. At one stage I was called upon to administer the Family Allowances Act, at another stage the Old Age Security Act, and more latterly the Immigration Act. Each of those statutes and the regulations under them require interpretations and guidance, a great deal of which go to the officers who are actually administering them.

I suppose one's notion of an act is that it supplies almost the barest bones of authority, that the regulations spell that out, and, beyond that, you have to have director's guidelines and even communications of the sort that we regard as correspondence.

That is all the observation I would like to make. I am not arguing the merits at all. I think that is the prerogative of the Minister.

Mr. Alexander: I think the bone of contention here, Mr. Chairman, if you will excuse me, is the fact that you have guidelines interpreted as directives, which are extremely important. They are important to you and to the public but the latter has no opportunity of subjecting them to scrutiny. I think this is the aspect that becomes very, very peculiar.

If we have to have guidelines of such importance, as I think they are—and I do not know the format of them nor what is in them, and neither does anyone else, except certain officials at the head of the department—I think this is the big bone of contention. We have no area in which we can become cognizant of the material, or upon which we can have any discourse.

It seems to me that if you have guidelines that are applicable to all countries, then what would be fair, and what would show an intention of fairness, would be for the department is to see to it that the form of guideline that is being used, and amended periodically, is within the regulations.

Mr. Curry: Mr. Chairman, the member already has the assurance of the Minister that these particular guidelines to which reference has been made do not vary the nature of the

regulation which they seek to help explain to the officer administering it. That he has said bluntly.

I suppose Mr. Alexander's argument becomes stronger as the guidelines—any set of guidelines; not particularly these—tend to move toward some variation in the nature of the regulations.

Mr. Alexander: Exactly.

Mr. Curry: And they become of less importance as they move away from any such interpretation.

Mr. Alexander: That is right.

Mr. Curry: The Minister said that these particular guidelines do not in any way vary the effect of the regulation, and there he leaves it. But I must repeat his argument, or his position, for the benefit of Mr. Alexander. He feels that this issue should be debated and judged not on a decision by himself but, in a more general way, on the confidentiality of instructions of this sort.

Mr. Alexander: I will close with this last statement. It seems to me that if your guidelines are sufficiently strong in nature, in terms of interpretation, then it is obvious that your officer is going to follow the direction or, the guidance, if we may put it this way, more so than the regulation. This is what I am worried about.

Mr. Murphy: To get back to the facts, I know the witness does not want to interfere with the prerogative of the Minister, but he

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said that under certain acts he has dealt with the directives, or communications, or whatever they may be, that are sent to assist the officer in the particular department sometimes run into volumes.

The officer then has to deal with those volumes of instructions, does he not? So that you have, on the one hand, an act, we will say, which has a thickness of perhaps 11 or 12 pages...

Mr. Curry: Here is the act and the regulations.

Mr. Murphy: ...and on the other you have directives or communications to assist the men in interpreting the act and the regulations, amounting to pages. He has to deal with both of them, does he not?

Mr. Curry: Over the years, of course, the officer becomes experienced in dealing with the directives.

Mr. Murphy: But he has both books at the desk, has he not?

Mr. Curry: That is right.

Mr. Murphy: Why do we not put them all in one book and make the whole thing public?

Mr. Curry: That is the question which you put to the Minister and which he answered in principle, that the precedence in government had been to the effect that that sort of interpretive material—guidelines—has not traditionally been made public.

Mr. Murphy: I understand.

Mr. Curry: And he has said he is quite willing to have this question raised in another forum.

Mr. Murphy: I have another point I would like the Minister to comment on after he has read the minutes of this meeting. I would like to know how we can institute some general discussion and review of this practice of non-disclosure of this type of correspondence and inter-office memoranda and so on, unless it is raised with reference to a specific subject such as this one? How do you raise this issue in general? I know of no way. If the Minister can give us some guidance on this I would be very happy to have it.

Mr. Curry: As a former House Leader I am quite sure he would be in a position to give you guidance.

Mr. Murphy: I think it must be raised in the context of, or with reference to, some specific subject to get it out in the open.

However, I have one further comment. You have stated that the Minister has told us that the particular directive to the Immigration people to which reference has been made in these hearings does not go against the meaning and tenor and intent of the Act and the regulations.

Mr. Curry: Mr. Murphy, subject to my recollection and correction, the minutes will show, I believe, that the Minister has made it quite clear that the guidelines do not vary the effect of the regulations.

Mr. Murphy: I am quite prepared to accept the Minister's statement on that, but I would feel much better about it if the legislation

itself, the Act, gave the Minister, or the Department, the right to make these judgments. If Parliament is prepared to allow the Minister decide whether or not one of his directives is within the meaning and scope of the Act, that is fine, but I do not think any minister should have the right to make that decision on his own unless Parliament has authorized him in the Act itself so to do.

Mr. Curry: Mr. Chairman, might I refer to Section 71 of the Immigration Act?

Mr. Murphy: I do not have a copy of the Act.

Mr. Curry: It reads as follows:

71. The Minister may authorize the Deputy Minister or the Director to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or the regulations and any such duty, power or function performed or exercised by the Deputy Minister or the Director under the authority of the Minister shall be deemed to have been performed or exercised by the Minister.

In effect, that says that the Minister may do these things that are required by the Act to be done, and that he can delegate his authority so to do.

Mr. Murphy: I do not disagree with that at all. I still say that that does not authorize the Minister, or anyone under him, to issue directives which are not within, or not authorized by, the Act. I am not talking about this Minister in particular. If, without it being made public, the public, or Parliament, must be relegated to the position of taking the word of a Minister that this or that directive

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is within the scope and intent of the Act and authorized by the Act, then I think we are in trouble.

Mr. Curry: Mr. Chairman, I can only respond respectfully to the member by saying that I think we are now getting into rather deeper water, involving not only the prerogatives of the Minister but, indeed, those of Parliament itself. On that I would not be in a position to comment.

Mr. Murphy: That is fine.

The Chairman: Mr. Lambert.

Mr. Lambert (Edmonton West): Thank you, Mr. Chairman; I apologize for having to bounce back and forth.

The Chairman: I am glad to have you here; do not apologize.

Mr. Lambert (Edmonton West): Some of my questioning may have been directed to the Minister. However, Mr. Curry knows very well what I am going to raise.

Mr. Curry: You surprise us sometimes, Mr. Lambert.

Mr. Lambert (Edmonton West): I must say that I have gone through a winter of the bitterest frustration that I have ever experienced with regard to immigration cases. These deal primarily with those emanating from Hong Kong; others are Italian and Greek.

The situation has grown from a number of circumstances. First, our Canadian public, that is, our new Canadians who are endeavouring to sponsor new immigrants, are not aware of the changes that were made in the rules in October of 1967. They find it extraordinarily difficult to see where the logic in the present rules lies.

I find it impossible to believe—and this is where I am sure Mr. Curry has read my letters—that where immigrants have been guaranteed positions, every sort of excuse is found to knock them out.

I have had letters back from your Department on particular files showing where there is a change every time I attack that demolish arguments. Then I find shifting of ground one way or another, all within the notorious point system, in assessing applicants or potential immigrants from Hong Kong. We get the idea that they do not speak English or French, or that they do not have any more than a grade 6 education, and that they must be skilled. What do we want them for? This, I have pointed out time and time again.

These regulations are made in Central Canada without any knowledge or application of the conditions applying in our particular part of the world. They say, "Well Manpower tells us that they are the laziest people." Manpower does not know from breakfast the requirements in the Chinese community. The Chinese community will not go near Manpower offices, and Manpower offices certainly will not go near the Chinese community, in or out of the city of Edmonton.

I am repeating the things that I have already said. However, I find within the files I have and through the people I know, that we could place 30 or 40 Chinese immigrants within a matter of a few weeks. The employment is available. A Greek, or Italian, or French or British immigrant is not going to be hired to work in a kitchen in a Chinese restaurant. Neither will a Canadian be hired. The jobs are there and these people become top flight citizens. I know the Chinese community in Edmonton, which is far greater in numbers than the one here; the Chinese person who works in a kitchen or as a market gardener, has sons and daughters going to university. They have one skill that so many people do not have in this country, and that is the skill of willingness to work; yet that is discounted.

I want to find out from you how you justify the exclusion of these people on the grounds that there is no assured market for them, no assured employment, when we have the depositions, we have the undertakings, and we have the work records of these people. We are told, "I have got one man here". First of all there is supposed to be security; he had been working for 13 years for an American oil firm, as a draftsman in Hong Kong. Now they say, "Oh, no, well security is all right", but some chap over in Hong Kong has said

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"Oh no, he does not have sufficient knowledge of English or of working conditions". This man has been in charge of a department of the Caltex Corporation in Hong Kong. He has certificates of merit for his work. Then we are told that he cannot fit into the pattern here.

Now, Mr. Curry, where do we go with situations like this? I invite your senior officials here in Ottawa to go out in these communities and explain the rationalization of the interpretation of your immigration policy.

Mr. Curry: Mr. Chairman, I think the crux of Mr. Lambert's statement is familiar to us because he has already brought individual cases of this sort before us.

Mr. Lambert (Edmonton West): There are scores of them.

Mr. Curry: Mr. Lambert has generalized today and covered the whole ground; he has spoken in detail about the operations of the Canada Manpower Centres, about the way in

which the occupational demand guides are put together, and the way in which the information pertinent to them is gathered. I do not know what helpful statement either of these officers, Mr. Morrison or Mr. Goodman, will make. I think Mr. Morrison, that you were distracted for a moment while Mr. Lambert was speaking. His point is that the Manpower Centres in a city like Edmonton, do not really know the nature of the demand in the Chinese restaurants in that city.

Mr. Lambert (Edmonton West): I did not mean only restaurants, but also supermarkets and other businesses.

Mr. Curry: In any case, there is a demand in Edmonton for Chinese employment. Mr. Goodman might have a comment to make.

Mr. Lambert (Edmonton West): Mr. Morrison and I have known each other for a long time and we have exchanged opinions in this regard. He has, unfortunately, been away from this section for some time so I have not been able to abuse his ears.

Mr. Curry: You used to deal with the Home Services Branch.

Mr. Lambert (Edmonton West): That is right.

Mr. Curry: Mr. Morrison is in an even more important position with respect to the statement you just made, because the work of the Canada Manpower Centres are his responsibility.

Mr. Morrison: Mr. Chairman and Mr. Curry, I did not understand Mr. Lambert's question in quite the same way. Perhaps I misunderstood him. I thought he was speaking of the decisions being taken on the basis of the total set of factors that have to be looked at in deciding whether or not an immigrant may enter into Canada. Was this the basic point?

Mr. Lambert (Edmonton West): This is right. It ties in, Mr. Morrison, with some of the responsibilities of Manpower Centres in that the Canada Immigration Division quite rightly—and I am not questioning this—refers to the Manpower Centre for labour demand; I think this is the purpose of the exercise.

Mr. Morrison: That is right.

Mr. Lambert (Edmonton West): Otherwise you would split the Department. I was saying to Mr. Curry that in these particular fields, the Manpower Centres just do not have any

knowledge. This I know, because I am very familiar with the Chinese community; there is not one mother's son of them who will go near a Manpower Centre even to inquire. You have dealt with Chinese, and you know very well that it takes years to gain their confidence; unless you have that, it is not going to work.

The pattern in Edmonton and Calgary is so different from Ottawa. In part of the city of Edmonton the Chinese own 95 per cent of the corner stores; they have 1,500 square feet supermarkets, and they want Chinese help there; people expect to see Chinese help in the restaurants. For every restaurant you have here in Ottawa, we have 20 in Edmonton. I go into the kitchens and sit in the back offices to talk over these things with them. It is robbing Peter to pay Paul, for one thing, for even assistant chefs. They cannot even get bus boys or vegetable peelers; floors have to be swept, dishes washed, and that sort of thing; they are not being done.

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Mr. Morrison: Mr. Lambert, the notion I received from what you were saying was that for this particular type of employment in Canada the basic, and perhaps only, criterion is whether there was or was not a guaranteed job for the prospective immigrant. Is that an unfair deduction?

Mr. Lambert (Edmonton West): Not merely rely on statistics for unskilled labour.

Mr. Morrison: But is that an unfair deduction from what is...

Mr. Lambert (Edmonton West): This is one of the things that has to be considered.

Mr. Morrison: The point I was going to make was that as the present regulations are written, and we will not debate whether they are right or wrong, the question of the demand for labour in any particular occupation is only one of the factors which is worth it, in total, even if you assumed there was an absolute demand of 15 units, and the officers in Hong Kong who are making the decision about the admissibility of a particular person, if in total, even including 15 for employment, he does not get the required minimum as set out in the regulations, have no option but to say no, notwithstanding that he may have a guaranteed job in Canada.

Mr. Lambert (Edmonton West): Then I go back to Mr. Curry because on the other assessments I think they are away off base.

Mr. Morrison: This is another question and Mr. Curry would agree that it is something over which I have no operating control, nor does anybody else because they are bound to follow the rules as presently set forth.

Mr. Lambert (Edmonton West): There was never any rule made, even those written on tablets of stone, that cannot be changed.

Mr. Morrison: No, I am not suggesting that at all, Mr. Lambert.

Mr. Lambert: You write the rules.

Mr. Morrison: That is right.

Mr. Lambert (Edmonton West): The other matter on that is the application of national standards and that regional considerations have no application. That, to me, is just nonsense.

Mr. Morrison: Again without wishing to debate the merits of it, the explanation is quite simple, that any immigrant admitted to Canada, wherever he may originally be destined and actually settle, is in fact free once he is in the country to go to any part of the country he wishes. You may not agree with me, Mr. Lambert. I am simply trying to explain the basis on which it was decided, as a matter of policy, and written into the regulations, that the occupational demand had to be based on a national demand because, to take an extreme example, in any particular place in Canada there could be a very heavy demand for a particular occupation and people could go in there and have no intention of remaining there, their real intent being to go to some place where there is a surplus of labour, which could result in quite a mess.

Built into the system, and this also is deliberate, there is provision for exceptions to be made to recognize that in some occupations in certain parts of the country there is in fact a heavy local demand that really has not any bearing on a national situation because it is an occupation that is only really performed in one or two or three places. This, in fact, is built into the system. Mr. Goodman, who is more expert on this than I, may want to comment additionally on the point you are making, but that is the explanation as to why the policy is what it is. You may not agree with it, but that is it.

Mr. Lambert (Edmonton West): This is the point. Building contractors in Edmonton tell me they cannot get brick layers or cement workers. They say, "Here is a guarantee for a job. I know the members of this man's family and the cousins are all good workers. I want that man." Then I am told there is a surplus of cement workers in Montreal. In that way you cannot have this man. To me this is sheer tripe.

Mr. Morrison: Mr. Lambert, could I ask just as a matter of information how much effort that particular contractor may have made to try to get some of the surplus labour alleged to exist in some other place to move out to where he has the jobs?

Mr. Lambert (Edmonton West): They tell me they go to Manpower Centre. They put in their request and they just sit there. The Manpower Centre is not able to furnish them with the right kind of people. Chaps have gone along and said, "I have had to wait four or five days for a warehouse helper." Remember, it is not every man on the Manpower books, presumably for a job, who is willing to work. You will recall just a few years ago we went through an exercise where a cement contractor was prepared to bring in 100 cement workers at his own expense and send them back in the event there was no

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further requirement for them. Remember, there is such a thing as immobility of labour; the fellow who is living in Montreal or Toronto who is out of a job, and whose family is there, is not going to pick up stakes and go and live in Edmonton just like that because Manpower says they have a job there. There is the greatest immobility of labour. Certainly, the single man will move but the fellow with his family will not necessarily move, unless you are going to pay fantastic wages like sending him up to work on a dam in an isolated position where there is isolation pay at very high rates.

Mr. Morrison: I do not think anyone would argue that that is not one of the problems, Mr. Lambert. On the other hand, I think it is also fair to say that the experience the Department has had, certainly since I have been with it, in so-called group movements of labour for specific industries has not really turned out to be very successful because the turnover rate has turned out to be rather high. Immigrants come in and go to the place where they have undertaken to work and some months later you find the company is back on your doorstep to tell you that they

have all disappeared, or most of them have, and they want another batch.

Mr. Lambert (Edmonton West): I am not arguing that particular case, but I said this was a classic example of whether there was the demand for labour and the ability or the inability to get it.

The Chairman: It seems to me that Mr. Lambert has raised some interesting questions, one of them being the role of the Canada Manpower Centre in the community and why some centres have been quite successful in integrating in the community and have thus become a part of the organic body of the community surrounding them, developed the rules in context and have gone out into the community. Others have failed or have not even tried to do this. When Mr. Lambert says, for instance, that his community in Edmonton does not even go near the Manpower office, that is certainly an alarming statement which deserves some attention because this is not the first time that this has been said in relation to Canada Manpower Centre offices. It is, of course, humanly understandable that some officials are extroverts and some are not and this reflects on the effectiveness of a centre. But certainly we are living in times when government agencies, at whatever level they operate, must make a particular effort to go out into the community, explain their services and establish contact with local organizations and local centres, and establish a different relationship from the one we have known so far. It is not a one-way relationship where the public is expected to come; there is also the new relationship which is very important where also the officials have to go out into the field. This is a typical example. Perhaps the report on the number of points assigned for cooks on a national basis might be a different one if we had this kind of background information on the demand for cooks within a certain segment of the restaurant business, perhaps we do not have that component in the total picture within the restaurant business.

The other point I find equally alarming is the fact that from the statement Mr. Morrison has made it would almost seem to appear that we have given up hopes in our policy of implementing a decentralizing policy whereby we would encourage, with the kind of points we have an incentives scheme whereby immigrants are encouraged, and we see to it they go to the minor centres thus relieving the

pressure on the major centres, one of the resulting effects, of course, right now being an increasing shortage of housing in one of the metropolitan areas.

I can understand your point, Mr. Morrison, when you say that you know by experience that once the immigrant has landed he is free to go anywhere he wishes, even if he declared an intention to go to a certain point. At the same time, however, usually the immigrant is quite respectful of a commitment or

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of an indication made to him as to the point of destination, if this is made quite clear at the moment when the visa is granted, and he is informed that he is expected to go to, say, Edmonton, because there is a specific job waiting for him. That is a very strong incentive which will not be bypassed easily, if the job is right there. Therefore, I think that our point system is geared to a national policy of a regional strengthening of the minor centres where we would like to have certain strengths in order to reduce the pressure in the major centre, would have to be reflected in certain refinements of the techniques that your Department adopts. These are the dangers of a national average, most definitely. Mr. Lambert does not need me to...

Mr. Lambert (Edmonton West): No, I do not want to blame officials for this. For one thing, it is the mentality of the people. They have a certain approach to life. If they feel they know that there is nobody on the books of the Manpower Centre seeking work, they will not go there seeking anyone. Within the community this is by word of mouth; by word of mouth is how they get their people. I do not know any Chinese that are unemployed and I know of many jobs.

You applied standards to cities. We can go to any number of rural towns where you have no contact at all with manpower centres and there the jobs are. I am simply told that the man is over 40, he has grade six, he has no particular skill, he is not a machinist, he does not have trade papers or anything, and because a brother asked for him or a cousin asked for him he goes to help him in the supermarket or in a restaurant. You cannot explain that to people.

Mr. Curry: There are several points, Mr. Chairman, that seem to arise from Mr. Lambert's remarks...

Mr. Lambert (Edmonton West): I say this about the Chinese and I can repeat it about a number of Greeks.

Mr. Curry: It seems to cover quite a wide range. I think among the important things is the suggestion which arose that our manpower centres may be doing less than they might to acquaint themselves with the actual conditions of demand, either a shortage or an abundance of eligible people. That is only one thing. I think that was the more minor one in many ways. The other one, and I certainly would not quarrel with Mr. Lambert on the point, is that I suspect the Chinese community frequently have in their minds to begin with that they want Chinese help, and therefore it is useless for them to go to the manpower centre. They do not need to bother them because they have not that sort of help anyhow.

Mr. Lambert (Edmonton West): It must be exclusive.

Mr. Curry: There is this point. The third one, which I think really goes to the heart of the problem as you raised it, is the operation of the selection system itself, the norms that were established, and the weightings that are given to the various norms. As Mr. Morrison carefully explained, there is a weight that is given to demand in Canada as a whole. There is another weight, of course, for regional variation on this. I gather from what you suggested, Mr. Lambert, that these weights possibly ought to be reconsidered or readjusted or be varied in some way or other so as to produce the sort of result that you want.

Mr. Lambert: It would be more reasonable. My point is we are looking for people. We have jobs for them. There are people willing to come to those jobs.

Mr. Curry: The real worry, I am sure, that Mr. Morrison has as an operator, and Mr. Francis as Director of Manpower, is in meeting this position on the part of the Chinese community who have an obvious preference for Chinese help, even direct from Hong Kong without any particular acquaintance with Canadian life. They are doing it at the expense of some Canadians who are already here somewhere, perhaps close by, perhaps farther away, who would take that very job if they knew of it and were given the opportunity. That seems to me to be what goes to the heart of the problem.

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The Chairman: The statement would have to be, of course, matched with the frequently appearing signs, waitress or waiter wanted, which seem to pop up in many cities throughout the country. The third point Mr. Lambert was making, and it is also another one worthwhile considering, is that he seems to raise some doubts about our ability to secure openings in the garment industry for the public at large, in other words, to be able to make up a survey quickly enough to secure the men and the women to fill those vacancies.

Long before the new department was set up a disturbing trend was already taking place in the private personnel service companies which were mushrooming all over the place. This trend has been increasing through years. I would like to be proven wrong in my impression that these private companies are really able to secure the cream of the manpower market and that C.M.C. are left with what is left on the market because of a number of reasons which would be too long to analyze.

This is the impression that you get. On top of that Mr. Lambert says if an employer in Edmonton requires a warehouse assistant it takes four days for us to supply this person. However, if the private personnel placement agency which goes to that level of employment—usually they stay in a certain level, but sometimes they go into Manpower as we do—is able to supply the same firm with that man within a day, of course we are in a highly competitive position. Everyone can draw his own conclusions about this.

So the question is: Are we competitive in the light of a very difficult situation? If we are not, then of course, the validity of the point system and of the weight attributed to each category is questionable, again because we do not perhaps have the entire market assessment in our hands. The private personnel agencies are also operating. Do we include in our weights also the work that the private agencies are carrying out? Do we do that?

Mr. Curry: Perhaps Mr. Goodman might have something to say on this point.

Mr. Goodman: Mr. Chairman, at the moment we depend very heavily on the information that we are able to get from the 250 Canada Manpower Centres, and we do survey...

The Chairman: Did you say 250?

Mr. Goodman: There are 300, I suppose. It is increasing. I guess the figure now is 300.

Mr. Morrison: It is 350.

Mr. Goodman: I am sorry. There are 350 Canada Manpower Centres. This is the main source of our information now. We do not at the moment get information from private placement agencies. There is one exception. We are getting some information from the Technical Service Council in Toronto. This is beginning to come forward.

We are, of course, as you are probably aware, developing a job vacancy survey just for this reason because we know that we do not have full coverage of the labour market. DBS is conducting on our behalf a job vacancy survey the results of which, after two years of development, will be coming forward this year, partially at any rate. Towards the end of the year we should have full coverage. This is designed to provide the Department with a better measure of labour demand in Canada and a better measure of job vacancies in Canada.

I would like to comment as well with respect to the basis on which we make the occupational ratings. Our ratings are made on the basis of the dictionary of occupational

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titles and we cannot, of course, go into specific nationalities of waiters or cooks and so on because these are, of course, used by immigration officers in all parts of the world. Therefore, our point ratings must be on the basis of the occupation.

Mr. Lambert (Edmonton-West): But with the greatest respect, do you mean to tell me that a man who is classified as a waiter and skilled as a waiter, who has agreed he is going to turn up as a waiter at a Chinese Hong Kong restaurant will be able to go into the kitchen and deal with the cooks and have a knowledge of the food and be expected also to be dressed as we do have them in more oriental costume?

The Chairman: What Mr. Lambert is saying is that there are specialties within specialties, and perhaps these ought to be considered in a different rate.

Mr. Goodman: That is true.

Mr. Lambert (Edmonton-West): But this is the thing that I get at.

Mr. Goodman: Nationality is not contained in the present system of occupational classifications.

The Chairman: But what Mr. Lambert is saying—and this has been my experience in different rates—is that unless we are able to translate all these facts into refined techniques of assessment and of placement, Canada will continue to remain a country for the immigration of people with strong backs and strong arms, and then the whole thing would have to be reviewed very thoroughly, unless we do that.

Mr. Lambert (Edmonton-West): But, Mr. Chairman, please do not exclude the people with the strong backs and the strong arms. They are needed.

The Chairman: This is what I am saying.

Mr. Lambert (Edmonton-West): Yes, but unfortunately we cannot get them now.

The Chairman: This is what I am saying, that unless we do revise this we will be limited in our scope to the people with strong backs and strong arms. And in order to attract the others, to provide incentives and place them, we have to develop some very refined techniques, and this is what we are probably in the process of doing, I hope.

Mr. Lambert (Edmonton-West): I have one more question in a different field, that of deportation proceedings. An enquiry is held and a deportation order is made without any satisfaction or certainty that the order can be carried out. This to me is also an area which I think makes the Department look a little foolish, even where you go before the Immigration Appeal Board and you point out to them the difficulties of the deportation in this particular case or cases. And the Immigration Appeal Board, I think quite rightly, say it is true, but that is not their responsibility. But I put it to them that an Immigration Appeal Board that is enforcing an order that is a *brutum fulmen*, or in other words one that is unable to be carried out, becomes less than credible. And the same things applies in these orders.

There are occasions, and I recall one case last year where as a result of circumstances all beyond the Department's control—there is no faulting any of the officials—this was a clear fraud and we know very well that frauds can be carried out. You make a deportation order, but you still have the man here

because you cannot take him out to Vancouver and drop-kick him into the Pacific Ocean.

Mr. Curry: Mr. Chairman, the member is suggesting perhaps that the investigation as to whether the country of origin will receive this particular person back should be made before the deportation order itself is made.

Mr. Lambert (Edmonton-West): I would think that this would be concurrent with it, because now it makes the Department look foolish and provides another example by which quite proper regulations may be circumvented, and it proves, it proves the case, that it is foolproof. This is where the danger is.

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Mr. Curry: Received in respectful silence, Mr. Chairman.

Mr. Morrison: I would like to ask a couple of questions, if I might, Mr. Chairman. When you say the order cannot be executed, I take it you mean that for one reason or another the person concerned cannot in fact be sent back to where he came from.

Mr. Lambert (Edmonton-West): That is right.

Mr. Morrison: Either because the country will not take him or there are other reasons why it would be unreasonable to send him there.

Mr. Lambert (Edmonton-West): Yes. For one thing, the Immigration Appeal Board Act prohibits you. It is an immigrant who came from Hong Kong. He came in on a false Thailand passport. He had no longer a Hong Kong certificate of identity. As a matter of fact, I would not be at all surprised if the Hong Kong authorities would not know much about him. His family is in mainland China, so you cannot deport him to mainland China. We do not have any connections with them. In any event it would be his head in a basket, if you did. The Immigration Appeal Board Act says that the Board may relieve, must relieve against such order if that is to be the case.

Mr. Morrison: Well, this is fine. We have a number of...

Mr. Lambert (Edmonton-West): So therefore you cannot send him back to Thailand. They have never heard of the man. The Hong Kong people say no. So there we are; we have one surplus person.

Mr. Morrison: All right. Now, my second question is simply—the first one was mainly for clarification to be sure what it was that I was talking about—what would you do with this man?

Mr. Lambert (Edmonton-West): What you have to do now, keep him.

Mr. Morrison: Yes, but on what legal basis?

Mr. Lambert (Edmonton-West): You look at the thing and you say, "We have been beaten", and you keep him under permit. You have him under permit now.

Mr. Morrison: You are suggesting that the permit should be issued without going through the legal proceedings of ordering his deportation.

Mr. Lambert (Edmonton-West): Yes, because you blueprint a pattern that looks pretty safe.

Mr. Morrison: Yes, but might I ask what then might be the rejoinder in any particular case—not the one you are talking about—where the person concerned in effect says, "What you are saying about me is not right. I am entitled to remain in Canada as an immigrant. You say I am not. I insist on my rights". How you do establish this in any legal sense without taking him through a legal proceeding?

Mr. Lambert (Edmonton-West): But the only point is to be sure that you can—in the event that you are going to get it. Now, that is not a matter of issue. I am sorry, it is an issue between the authorities and the individual concerned, as to whether he is entitled to be an immigrant.

Mr. Morrison: That is right.

Mr. Lambert (Edmonton-West): But he is here.

Mr. Morrison: Yes.

Mr. Lambert (Edmonton-West): And suppose you win your point, and the Department, I think, is far more right than it is wrong, and is entitled to say to the man, "You must not remain here". But there is such a thing that you cannot deport a man into a void.

Mr. Morrison: This is true, Mr. Lambert, but may I point out again that if we did something along the lines you are suggesting—and in effect because we do we could

not send him back where he came from—if we decided to forget about it and allowed him to remain as a normal immigrant, unless there are some very major changes in the law this person by virtue of having acquired all of those privileges can turn around and bring

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other people into the country quite legally, and we could not do anything about it.

Mr. Lambert (Edmonton-West): He is going to do so anyway.

Mr. Morrison: Not under a Minister's permit, sir, I am sorry.

Mr. Lambert (Edmonton-West): No, but he would remain under a permit. You have him. You point it out and say, "All right, you are in here under a fraud. You are only going to be allowed to remain here on a ministerial permit".

Mr. Morrison: My difficulty as an administrator would be to satisfy a lawyer or a court, if he took it to court, that we were acting properly in refusing to give him landed immigrant status when he had never been brought before any prescribed legal proceedings to establish this fact.

Mr. Lambert (Edmonton-West): The onus is on him then.

Mr. Morrison: Well, I am sorry, sir, but this is not the way it is usually put to us, if I may say so.

Mr. Lambert (Edmonton-West): He has got to take you to court.

Mr. Morrison: And they often do.

Mr. Lambert (Edmonton-West): Thank you, Mr. Chairman.

The Chairman: I want to thank the witnesses for their contributions. It has been most interesting. The meeting is adjourned.

Friday, May 16, 1969

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The Chairman: Good morning, gentlemen. We have a quorum.

We had a good discussion yesterday and the only vote left is Departmental Administration. I will now call vote 1:

DEPARTMENT OF MANPOWER AND IMMIGRATION

Departmental Administration

1 Administration, Operation and Maintenance—\$10,945,000

Vote 1 agreed to.

The Chairman: We now have some replies from Mr. Curry to questions raised yesterday.

Mr. R. B. Curry (Assistant Deputy Minister, Immigration, Department of Manpower and Immigration): The one question which I have a reply to at the moment, Mr. Chairman, was the one that was asked by Mr. Thompson on the matter of income tax exemptions for teachers and so on. The gist of it is that we will give the full written reply to Mr. Thompson.

Mr. McNulty: Mr. Chairman, will the reply be printed so that all members will have access to it?

The Chairman: Yes.

Mr. Curry: Actually I gave an answer yesterday to the effect that I had thought that this sort of consideration in respect of some offset to teachers was arranged by the provinces or the municipalities. I find that this is not the situation. We do have an arrangement between Canada and about 14 or 15 other countries at the moment by which income tax for that sort of person is abated for two years. So that for the first two years teachers in this country from any one of these 15 countries are not subject to federal income tax. Equally, a Canadian going into that country to teach is relieved of income tax in that country. Just one more detail: these countries do include the United States but they do not include France at this moment.

Mr. McNulty: What department would they come under?

Mr. Curry: Under the Department of National Revenue which is actually responsible for the income tax impact.

Mr. Badanai: Is that a reciprocal arrangement?

Mr. Curry: Yes, it is reciprocal. We are still carrying on negotiations with other countries, including France, on this point.

The Chairman: Are there any further questions of Mr. Curry? Is there any other item that you would like to comment on.

Mr. Curry: There is one that I cannot give an answer to but I would like to explain why I cannot. This, again, I believe was raised by Mr. Thompson. It concerned a breakdown by countries of the incoming teachers. We had given the answer to Mr. Thompson in terms of the United States and of all other countries put together. We are breaking it down now into about the seven or eight most important countries from the point of view of the volume of the teachers coming here and also according to the classification of teachers, whether they are at the university level, secondary school or below secondary school. This will take a bit of time.

The Chairman: Would you provide this information to the members of the Committee eventually.

Mr. Curry: Yes, we shall.

Mr. Whiting: Mr. Chairman, I believe I

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asked the witness if it was possible to get a breakdown of university students that have come into Canada during the last two years.

Mr. Curry: A breakdown in what way?

Mr. Whiting: From countries.

Mr. Curry: Yes, this can be done. Are you talking about students at the university level.

Mr. Whiting: Yes, I am.

Mr. Curry: Undergraduates or graduates?

Mr. Whiting: Undergraduates and graduate students.

Mr. Curry: We will do our best with that and report in due course. It will take a bit of doing.

We do have one other answer prepared. Somebody asked the Minister yesterday what the numbers of special inquiry officers were in Canada and I think Mr. Morrison is prepared to respond to that.

The Chairman: Mr. Morrison?

Mr. J. C. Morrison (Director General of Operations, Department of Manpower and Immigration): Mr. Chairman, the total number of special inquiry officers in Canada is 214. However, a large proportion of those are at border points of entry, or at international airports, and at our inland offices where the bulk of the work arises in connection with non-immigrants applying for landing. This is

what has given rise to the current backlogs in some places. We have 81 SIO's in total, and we estimate that we need, and have asked for in the next fiscal year, an increase of 10 SIO's and 12 stenographers and 4 clerks to try to beef up our capacity.

The Chairman: Are there any further questions of Mr. Morrison?

Mr. Prud'homme: Mr. Morrison, I do not know whether this question should be addressed to you or to Mr. Curry, but I recently met a Czechoslovakian who came here under the special program and who seems to be having some difficulty. Because he spoke a little English he was not allowed to follow the assisted special course either in French or in English. Is this possible?

Second, what kind of aid is available at the moment for those who, after six months of help from the Department, cannot find jobs?

Mr. Morrison: On your first question, as a generality almost all of the Czechoslovakian refugees who did not have a practical command of English or French have been put on language courses. Almost 7,000 of them have either been through, or are still in, language-training.

If this particular person has not, and feels that he really needs it, I suggest he goes back to the CMC and raise the issue again.

On the second question, the Department will continue to provide the normal help that is available to all immigrants up until the time they are placed in permanent employment, whether they be Czechoslovakian refugees or anyone else. Therefore, the six months does not cut him off from all help.

Mr. Turner (London East): Mr. Morrison, could you tell me why I have so many complaints in the London area? They say it is a waste of time going down to the manpower centre to get a job.

Mr. Morrison: I cannot answer that as a generality, sir. I would have to have specifics.

Mr. Turner (London East): I have yet to hear a person say that he got a job through manpower.

Mr. Morrison: Perhaps, without trying to be facetious, and as inevitably happens, the only people we really hear from are those who have not been successful in getting a job. Those who do—and there are a great many of them—we do not hear about.

If you have specific cases that you can send to us to look into I would be very glad to do so.

Mr. Turner (London East): Thank you.

The Chairman: Are there any further questions of Mr. Morrison?

Mr. Prud'homme: Do you have any figure on how many Czechoslovakians have gone back to Czechoslovakia?

Mr. Morrison: I have no figures; and I am not aware that there have been any significant numbers.

Mr. Prud'homme: My next question is on a subject of much talk and of great interest. Do you have any figures on how many American deserters have been accepted so far as landed immigrants, how many are at the moment in the process of being assessed, how many have been turned down and are now waiting for special inquiries, and how many orders of deportation have been pronounced so far?

Mr. Morrison: I do not have these sorts of statistics in my head, I am afraid. I would have to check to find out whether it is possible to break it down in that fashion. I cannot guarantee that it is.

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Mr. McNulty: Mr. Curry, does a person applying for immigration into this country have to be able to speak both French and English in order to get full points?

Mr. Curry: Points are distributed on the basis of 10 for both languages or on the basis of 5 for each of the languages. The examining officer looks at his capability from the point of view of whether he can read English, or can understand it, and whether or not he can speak it. And he does the same relative to French. If he is completely bilingual, or reasonably bilingual, he will get 10 points.

Mr. McNulty: Actually they have to be able to speak both languages, which is more than we require of our own citizens.

Mr. Curry: They do not have to, but they will only get full marks . . .

Mr. McNulty: They cannot get full marks if they cannot?

Mr. Curry: That is right; but that sort of person can well qualify on his points without necessarily knowing both languages.

Mr. McNulty: If they lose five marks here and another five there it could be pretty difficult. Has any consideration been given to this?

Mr. Curry: I might point out that the requirement is almost totally for the benefit of the applicant, relative to what he is going to meet when he comes to Canada. He is certainly going to be better off and more easily employed if he has at least one of the languages; and even better off if he has both.

Mr. McNulty: What percentage of the applicants would be bilingual? Would it be 1 per cent, or 2 per cent, who can speak both French and English?

Mr. Curry: We would have to check that for you. A very considerable number of the applicants are bilingual, particularly those who come from the French-speaking countries of Western Europe.

The Chairman: Are there any further questions?

Mr. Whiting: I have one question. Do these undergraduate students who come over arrive as landed immigrants?

Mr. Curry: No. They come in with a student status, which is a special status.

Mr. Whiting: And if they want to stay they make application after they have graduated?

Mr. Curry: They can apply at any time. Whether or not the application will be entertained is another question. Ordinarily, it would not be entertained while they were on student status.

Mr. Foster: I had an inquiry last fall from one of the manpower offices in my area. They said that the cutback was so severe that when employees left—a clerk, in the particu-

lar case—they could not even replace them. Is this general policy in effect across the country?

Mr. Curry: Are you talking of our employees?

Mr. Foster: Yes; at a Canadian manpower centre.

Mr. Curry: Perhaps Mr. Morrison could comment on that.

Mr. Morrison: Mr. Chairman, it is not quite a matter of policy. As I think everyone is aware, a staff freeze was imposed on all departments a little over a year ago. We were restricted on the total number of employees we could have on strength at any given time. It did happen in a variety of places that it was not possible always to replace someone who left. We found ourselves over-strength in other places and we had to adjust accordingly.

Mr. Foster: This was in Sault Ste. Marie. They desperately needed more help and they were not even able to hold what they had.

Mr. Morrison: I can only say that this did in fact happen here and there because of the restrictions imposed upon us in hiring staff.

Mr. Foster: The other complaint was that because they did not have the staff they were not able to implement many of these new policies.

Mr. Morrison: This is a problem that all departments sometimes face, sir.

Mr. Foster: All we have to do is find more money?

Mr. Morrison: That is right.

The Chairman: The Committee now stands adjourned until next Thursday at 9.30 a.m. Thank you very much.

APPENDIX "A"

IMMIGRANTS LANDED IN 1968 WHOSE INTENDED OCCUPATION WAS TEACHING

Level of Institution and Description of Function	Number from USA	Number From Other Countries	Total
Dean—Education or Administration—University President.....	5	1	6
Department Head or equivalent—Dean of Admissions—Registrar.....	3	4	7
Faculty Member (from lecturer to full professor).....	1,004	1,261	2,265
Graduate assistant in education—research or teaching.....	31	88	119
SUB TOTAL—University Level.....	1,043	1,354	2,397
Principal or equivalent—Superintendent of Schools.....	12	3	15
Music Supervisor.....	4	—	4
Secondary School Teacher.....	763	2,196	2,959
SUB TOTAL—Secondary Level.....	779	2,199	2,978
Primary or Kindergarten teacher.....	421	2,452	2,873
Teacher—handicapped.....	32	51	83
Home economist.....	3	2	5
Vocational educator—teacher of apprentices.....	1	18	19
Dean of boys or assistant principal—foreign student advisor.....	1	—	1
Director or supervisor of educational programs.....	—	1	1
Educational specialist—school examiner.....	3	1	4
Coach—governess—tutor.....	14	39	53
SUB TOTAL—Other Types.....	475	2,564	3,039
GRAND TOTAL.....	2,297	6,117	8,414

HOUSE OF COMMONS
First Session—Twenty-eighth Parliament
1968-69

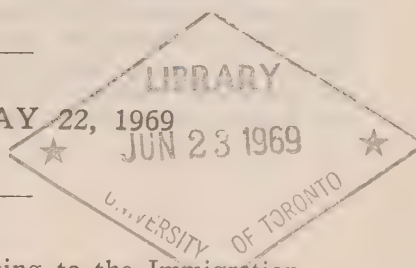
STANDING COMMITTEE
ON
**LABOUR, MANPOWER
AND IMMIGRATION**

Chairman: Mr. CHARLES CACCIA

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

THURSDAY, MAY 22, 1969



Main Estimates (1969-70) relating to the Immigration
Appeal Board.

INCLUDING SEVENTH REPORT TO THE HOUSE

WITNESSES:

(See Minutes of Proceedings)

STANDING COMMITTEE
ON
LABOUR, MANPOWER AND IMMIGRATION

Chairman: Mr. Charles Caccia

Vice-Chairman: Mr. Marcel Prud'homme
and Messrs.

Alexander,	Lewis,	Murphy,
Badanai,	Loiselle,	Paproski,
Broadbent,	MacEwan,	Penner,
Dumont,	MacQuigan,	Roy (<i>Timmins</i>),
Knowles (<i>Norfolk-</i>	McNulty,	Thompson (<i>Red Deer</i>),
<i>Haldimand</i>),	Muir (<i>Cape Breton-</i>	Turner (<i>London East</i>)—20
Jerome,	<i>The Sydneys</i>),	

D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b)

Mr. Lewis replaced Mr. Brewin on May 21, 1969
Mr. Loiselle replaced Mr. Breau on May 21, 1969
Mr. Murphy replaced Mr. Foster on May 21, 1969
Mr. Roy (*Timmins*) replaced Mr. Penner on May 21, 1969
Mr. MacQuigan replaced Mr. Whiting on May 21, 1969
Mr. Penner replaced Mr. Kaplan on May 21, 1969

ORDER OF REFERENCE

HOUSE OF COMMONS,
THURSDAY, February 20, 1969.

Ordered,—That Votes 1 and 5 relating to the Department of Labour;

Vote 10 relating to the Unemployment Insurance Commission;

Votes 1, 5, 10, 15, 20, 25 and L115 relating to the Department of Manpower and Immigration; and

Vote 30 relating to the Immigration Appeal Board be referred to the Standing Committee on Labour, Manpower and Immigration.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

THURSDAY, May 22, 1969.

The Standing Committee on Labour, Manpower and Immigration has the honour to present its

SEVENTH REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following item listed in the Main Estimates 1969-70:

Vote 30 relating to the Immigration Appeal Board.

Your Committee commends it to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 12*) is tabled.

Respectfully submitted,

CHARLES CACCIA,
Chairman.

[Text]

MINUTES OF PROCEEDINGS

THURSDAY, May 22, 1969.

(14)

The Standing Committee on Labour, Manpower and Immigration met this day at 9:40 a.m. The Chairman, Mr. Charles Caccia, presiding.

Members present: Messrs. Alexander, Badanai, Broadbent, Caccia, Dumont, Knowles (*Norfolk-Haldimand*), Jerome, Lewis, Loisel, MacGuigan, McNulty, Murphy, Penner, Prud'homme, Roy (*Timmins*), Thompson (*Red Deer*), Turner (*London East*)—(17).

Witness: Miss J. V. Scott, Chairman, Immigration Appeal Board.

The Chairman introduced Miss Scott, who made a statement and the Committee proceeded to the questioning of the witness.

After discussion, Item 30, Administration Operations and Maintenance... \$729,000 was carried.

This completes the Order of Reference.

At 11:30 a.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, May 22, 1969

● 0940

The Chairman: Gentlemen, in calling this meeting to order, we will start with this preliminary presentation. We have with us today the Chairman of the Immigration Appeal Board. I will introduce these gentlemen. Mr. Badanai, Mr. Lewis, Mr. Loiselle, Mr. Broadbent, Mr. Turner, Mr. Alexander, Mr. MacGuigan, Mr. McNulty and Mr. Jerome. These are the members of the Committee. You all know Miss Scott, who is the Chairman of the Immigration Appeal Board, and with Miss Scott is the Acting Registrar, Mr. Hélie; next to Mr. Hélie is the Assistant Chief of Administration, Mr. Powell.

Miss Scott will begin her presentation with a resumé of the operations of the Board with figures that you might be interested in hearing. When she has completed her presentation, we shall ask questions and will adopt the usual procedure of alternating among the three groups represented here today. May I also ask for your co-operation in maintaining a quorum during the course of the morning so that when the questioning is completed and the remarks have been made, I can then call the item for a vote.

Mr. McNulty: I was wondering if there is any possibility of passing the items and having the discussion after.

The Chairman: No; we will first discuss and debate it and we will have to maintain a quorum.

Mr. Lewis: There would not be anything wrong, Mr. Chairman, in passing the items at this time.

The Chairman: If you wish that we pass the items...

Mr. Lewis: I do not think the Committee would want to avoid that.

The Chairman: We are short by one for the quorum at present; however, if that is your desire then as soon as we have a quorum I will call the Item and we shall proceed.

Mr. Lewis: Thank you.

Mr. McNulty: I have a delegation from the CLC to meet shortly after 10 o'clock.

The Chairman: Thank you for the suggestion; if Mr. Lewis and Mr. Alexander wish to proceed along these lines...

Mr. Alexander: I have another Committee meeting at 11.00.

The Chairman: We have a quorum at present; shall vote 30 carry?

Vote 30 agreed to.

The Chairman: Miss Scott.

Miss J. V. Scott (Chairman, Immigration Appeal Board): I thought that the Committee would be interested in hearing about the increase over last year. Up to the end of April 1969 the total number of appeals received was 752. For the same period in 1968 the total number of appeals received was 322. This is an increase of over 200 per cent; it seems to be a continuing pattern. We are receiving an average of about 210 appeals a month at the present time; that is for 1969. The number of appeals to be heard over same period this year is 574. There have been 258 decisions and 50 motions. Ninety-nine per cent of these are motions to reopen or rehear an appeal; these are in addition to the total number of appeals filed, which is the figure I gave you before.

● 0945

As you know, as an experiment we have a pilot project in Montreal which has been functioning since October of last year; it is proving to be very valuable. However, it is too young yet for us to have a final opinion. I think now that one of the solutions is a regional board set-up. The Montreal pilot project is to find out whether this works, to iron out the problems and so forth.

In Montreal for the same period—that is for the calendar year 1969—184 appeals have been received; again this is an increase.

Mr. Lewis: Is that in addition to the total which you gave us?

Miss Scott: No, that is included in the total. There are 137 appeals left to be heard in Montreal.

Mr. Badanai: What percentage of the appeals have been approved?

Miss Scott: Out of the appeals heard, 120 orders of deportation were stayed. These are still subject to review. This is not the final order of the Board. The 120 stayed will be reviewed at some future date as indicated on the Board's order. There were 23 orders of deportation quashed. These are where the appeal is dismissed, of course. There were 13 orders of deportation quashed.

Mr. Lewis: When you quash an order, would that mean that an appeal was not dismissed?

Miss Scott: We must dismiss the appeal before we have the power to stay or quash.

Mr. Lewis: Oh yes, of course.

Miss Scott: It must be dismissed on law. There were 23 orders of deportation quashed and 13 quashed with a direction to grant landing. There were 10 appeals allowed. This would be on law. There is one sponsorship appeal pending this calendar year. There are very few sponsorship appeals. Almost all of those figures for the numbers of appeals received represent appeals for deportation orders.

There have been 99 decisions on review. This is where the order is stayed once. Of these 90 on review—the deportation order was directed to be executed—15 were quashed, 60 were quashed with a direction to land, and for 15 there was a further stay.

The Chairman: Miss Scott, those of us who are not as familiar with the legal terminology as you are, would find it useful if you would explain the exact implication of "orders quashed," "direction to grant landing" and "stayed"; if you would do this, then everyone will understand the effect of these decisions.

Miss Scott: When the Board makes its decision on an appeal, if it finds that the order of deportation was not in accordance with the law, it allows the appeal. If it finds that the order of deportation was in accordance with the law, it then uses its discretionary power under Section 15 of the Immigration Appeal

Board Act. Under that section, if it dismisses an appeal, it can then stay the execution of the deportation order. This is done usually during the set period of three months, six months, a year, or two years, and is reviewed. It can be reviewed at the due date or before on appropriate grounds. That is what we call a "stayed order." The execution of the deportation order is stayed. The order is still outstanding against the person but it cannot be executed; therefore, that person is under the Board's jurisdiction.

• 0950

If the discretion under Section 15 is exercised to its full extent, then the deportation order can be quashed. It no longer exists. In some cases, on appropriate grounds, the deportation order is quashed and the Board directs the grant of landing to the appellant. This is quite rare, however, we have the jurisdiction to do this under Section 15.

The Chairman: First on the list for questioning we have Mr. Prud'homme. Then we have Mr. Lewis and Mr. Badanai. Mr. Prud'homme.

[Interpretation]

Mr. Prud'homme: Madam, what happens when you have—how do you say "quash" in French?

Miss Scott: It is "annuler".

Mr. Prud'homme: Once you've quashed a deportation order, what happens?

Miss Scott: Everything is finished then. The order for deportation no longer exists, and the person is free to take the necessary steps.

Mr. Prud'homme: That is, to begin proceedings again to become a landed immigrant?

Miss Scott: Yes, sometimes. Or sometimes, he is already a landed immigrant, and if the order is quashed, he remains a landed immigrant.

Mr. Prud'homme: Now, under the Immigration Act, what does the Appeal Board give as a definition of "humanitarian reasons"?

Miss Scott: We shall avoid giving a definition, because that would impose too great a limit.

Mr. Prud'homme: Yes, I agree.

Miss Scott: ...on the jurisdiction. We feel it isn't wise to give a definition. Each case is judged on its own merits.

Mr. Prud'homme: To date, have you had to make decisions with regard to American Armed Forces deserters?

Miss Scott: Yes.

Mr. Prud'homme: Have any deportation orders been made?

Miss Scott: Yes. But, a member of the United States Armed Forces is not subject to a deportation order because he is a deserter.

Mr. Prud'homme: All right.

Miss Scott: He may be expelled under the Immigration Act.

Mr. Prud'homme: How many judges are there at present on the Appeal Board?

Miss Scott: Eight.

Mr. Prud'homme: Since how long? I believe there has been one resignation?

Miss Scott: Yes. One resignation.

Mr. Prud'homme: When did this resignation take place?

Miss Scott: On the 18th of April of this year.

Mr. Prud'homme: Of this year? It was Mr. Geoffroy, I think?

Miss Scott: It was Mr. Geoffroy.

Mr. Prud'homme: And he has not yet been replaced?

Miss Scott: No, not yet.

Mr. Prud'homme: There have to be three judges to sit and hear a case?

Miss Scott: Three judges, yes. A quorum is three.

Mr. Prud'homme: Is it possible to sit everywhere in Canada or only in Ottawa?

Miss Scott: In theory, everywhere. But it is impossible even with nine judges.

Mr. Prud'homme: Do you think it would be wise to have appeal boards all over Canada, in the big cities, rather than centralizing everything? There is a board in Montreal, is there not?

Miss Scott: Yes, and in Ottawa. But I think it would be preferable to divide the country into three regions.

Mr. Prud'homme: What would these regions be?

Miss Scott: The three main ports of entry: Vancouver, Toronto and Montreal.

Mr. Prud'homme: While keeping Ottawa, or not necessarily so?

Miss Scott: Not necessarily. We might keep the head office here. But we needn't have a court here.

Mr. Prud'homme: Where would you prefer to sit?

Mr. Loiselle: In Montreal.

Mr. Prud'homme: And you Miss Scott?

Miss Scott: Montreal, yes, but I like all three.

• 0955

Mr. Prud'homme: Thank you. I hope that the Appeal Board will always remain as it has been until now, i.e. as humane as possible, because it has to deal with human beings.

I think that up until now the Appeal Board—in the cases that I've had dealings with—has been very humanitarian and wise. And I trust this will continue.

Miss Scott: Thank you, sir, and I trust that will be the case too.

The Chairman: Thank you, Mr. Prud'homme. Mr. Lewis.

[English]

Mr. Lewis: Miss Scott, I have two or three things I would like to discuss with you, if I may. The first is this idea of regional offices or regional ports, which appeals to me as it does to you. Would that be likely to create a problem as to the uniformity of the principles applied in your appeals?

Miss Scott: I hope not, Mr. Lewis. I have made plans to avoid this as much as possible.

Mr. Lewis: What are those plans?

Miss Scott: As you point out, one must maintain the homogeneity of the Board as a whole, not as three boards. First, there is exchange of reasons for judgment. We do this now with Montreal. Reasons or internal memoranda, where no formal reasons are requested are exchanged between Ottawa and Montreal. I frequently travel to Montreal and sit there. This would be my plan if the regional boards were set up. The chairman would travel on a regular basis. We would

exchange members where possible. If we had enough members, we would exchange members from time to time from one region to another on a temporary basis. The reasons for judgment would be sent around. Everybody would read them, and my original idea was a meeting of the whole Board every month, although this may not be necessary or feasible, but at least once every two months.

Mr. Lewis: Suppose you have a regional board and a new point or a new set of circumstances arises. In your plans, would there be any machinery for the entire Board to consider this and arrive at a policy decision?

Miss Scott: Yes. That could quite easily be done. If the case permitted, it could be held until the next meeting of the whole Board, or it could be discussed by telephone. One can get little loudspeakers attached to the telephones, and I propose to do this so that we can have a board meeting with the three regional boards in different places.

Mr. Lewis: Right. I was anxious about that because it seems to me that if you have three boards sitting in three different places, you could easily develop different sets of jurisprudence.

Miss Scott: This must be avoided at all costs.

Mr. Lewis: That is what I would hope. However, to do this you would need more than nine members.

Miss Scott: We need a minimum of 17 members.

Mr. Lewis: Has this been presented as a request to the Minister yet?

Miss Scott: Yes, it has. But it requires an amendment to the Act.

Mr. Lewis: I see.

Miss Scott: At least three sections will have to be amended.

Mr. Lewis: Why 17?

Miss Scott: Because of the volume of appeals. There would be one full panel at present-day figures, one full panel of three people plus a spare obviously, in Montreal. There would be two panels in Toronto plus relief members which would be nine in Toronto, and three for the moment in Vancouver. That is why I say minimum, because if the number

of appeals rises as rapidly as it has over the last year, four members might be required.

• 1000

Mr. Lewis: To elaborate the point Mr. Prud'homme was making, I suppose you need an extra panel so that the panel which has heard a case can have time to consider it...

Miss Scott: That is right.

Mr. Lewis: ... without holding up the entire work.

Miss Scott: This is the problem we have now. We really have not enough members even the way we are constituted at the moment. If we have time we do it, but I think that every judge requires time to think as well as conduct the business of the court.

Mr. Lewis: It helps.

Miss Scott: It helps.

Mr. Lewis: Miss Scott, I am concerned, as I am sure other members of the Committee are, with the point system under Schedule A of the Regulations and the fact that much of it is necessarily subjective. Some of it is not: the education and training is a fairly objective affair; the number of years, you get the number of points; age is fairly objective. But personal assessment is obviously subjective.

In one case I had, Miss Scott, a young fellow who was born in the United States, and whose parents were born in the United States, went back several generations, when he came before the first examining officer he was given four out of five for his language. He had no other language than English. I asked the special inquiry officer whether the examiner who was rating the man as to his literary capacity was a professor of English. This man was re-assessed at my request and was given the full five. I am citing this example because one would think in the case of a person who has had no other language than English or no other language than French, that he would be given the full marks. This is his language, he commands it. Even there there was a subjective reaction by the examiner who said, for some reason that I do not know, "His English is not good enough for me so I am going to give him four and not five."

As I understand the present interpretation by the Board of its duties and jurisdiction, and correct me if I am wrong or tell me I am right, you do not feel that you have the juris-

diction to put your judgment in place of the judgment of the examining officer.

Miss Scott: The Board has held that, but one of the cases where that has been held is under appeal to the Supreme Court. I believe they are waiting for the filing of the appeal books. It may come on this session; I do not know.

Mr. Lewis: Whatever may be the result of this appeal, of which I had heard, why do you reach that conclusion in law, if you do not mind explaining it to me.

Miss Scott: Because of the wording in the Immigration Act and the Regulations, more particularly the Regulations. They use the words "in the opinion of". In Section 34(f) of the Regulations.

Mr. Lewis: It says "in the opinion of—

Miss Scott: It says "in the opinion of the Immigration Officer". There is a great deal of law on that, that a higher court unless you can show bias or something like this, cannot substitute its opinion for an opinion reached on reasonable grounds. That is the end.

Mr. Lewis: Yes, I know a good bit about the law and that is why I am raising the question.

Before I ask you whether or not you would agree we should suggest the act be amended in a certain way, what is the effect of Section 11 of the Act that sets you up, that tells you that you can listen to any ground of appeal whether a question of law or fact, or of mixed law and fact, if you do not look at the facts?

Miss Scott: In this case, the Immigration Act or the Regulations using the wording "in the opinion of" are binding on the Board. The words "in the opinion of" have been interpreted by many, many courts including the Supreme Court. We are bound by the common law, as well as by our own acts. We are bound by the Immigration Act as modified to some degree by Section 15 of our Act.

• 1005

Mr. Lewis: I appreciate that and I am not in the least being critical of the decisions you have made. I am just trying to understand the act that sets you up. I think you are likely to get a pretty favourable hearing from the Supreme Court of Canada on the basis of the law unless we change the jurisprudence in some way. In my experience before the Board

I find myself rather frustrated as to Section 11 of the Act because you do not feel yourself free to look at the facts. You simply say, if it is an appeal from a deportation order, "Was this deportation order made lawfully?" And in most cases it is. So, you say you cannot allow the appeal and you do not really look at the facts. So that, Section 11 of the Act setting you up does not, in fact, operate, does it?

Miss Scott: Only in those assessment cases because of the wording in the Regulations.

Mr. Lewis: What other facts...

Miss Scott: You may have an appeal that has nothing to do with assessment.

Mr. Lewis: Yes. Are they very many out of the total?

Miss Scott: It seems to me, and I am relying on my memory now, there are more appeals on assessments now because, of course, non-immigrants who come in legally as non-immigrants and apply here in Canada become landed immigrants. There must be hundreds of thousands of them. The number of appeals is rising. We have many other types of facts to deal with such as ship deserters and non-immigrants who have overstayed their time and so on.

Mr. Lewis: What we have now, Miss Scott, it seems to me as I have watched it—and it seems to me that this cannot be desirable—is that the first immigration officer assesses the applicant and that assessment stands, because a special inquiry officer takes the same position as your Board takes.

Miss Scott: Yes.

Mr. Lewis: He takes the position that he cannot interfere with the opinion of the officer. Then you take the same position as the special inquiry officer, so that, in effect, the result of this is that an officer who may or may not be very highly qualified generally—he may be very qualified as an officer of the Immigration Department but he may not have any industrial, psychological or other training that would be required for the assessment of some of these points—is doing his job, I am sure, in perfect good faith and honesty and without bias and all the rest of that, or at least without apparent bias—bias I suppose we all have to some extent—and his word is the law on the assessment of the applicant. This is now the situation.

Miss Scott: Unless the person contesting the assessment, who has the burden of proof, can show that he was manifestly wrong. The way the law stands now, yes, your statement is right.

Mr. Lewis: Yes, if it is possible to say that there was bias or that he was manifestly wrong, it is the first person who examines the applicant, and as far as the assessment is concerned that is it and no one else interferes with it.

Miss Scott: So I understand, yes.

Mr. Lewis: So in the major part of the inquiry process relating to an applicant this one man governs, and to me that seems regrettable. Is there any reason that the law should not give your Appeal Board some authority in that area?

Miss Scott: I think that is a matter for the House of Commons. It is not for me to say. I think this is something that the government in its policy may see fit to change.

Mr. Lewis: I appreciate your position, but I do not think you need to hesitate if from your experience you have an opinion on this point.

Miss Scott: I do not think it would be appropriate for me to express an opinion at a meeting of this kind, Mr. Lewis. As the chief justice of a court I am bound to administer the law as it stands. If Parliament sees fit to change it, that is fine.

Mr. Lewis: I appreciate that, Miss Scott. It is true that in a sense you are a court but in

● 1010

another sense you are also a policy-making board.

Miss Scott: No, by statute, we are a superior court of record. That is written right into the Act.

Mr. Lewis: Yes, I know. Let me ask the question this way. Would it create difficulties for the Board if either Section 15 or some other relevant section were amended to give the Appeal Board jurisdiction to consider the question of assessment and to have the authority to use its judgment in place of the judgment of the examining officer? If the regulations and the Act were amended, would that create very great difficulties for the Board?

Miss Scott: I would not worry about the difficulties, Mr. Lewis. We have adjusted to many difficulties so far and I think if the law is the law, a court will adjust to it. It must administer the law, difficult or easy.

Mr. Lewis: I am not being frivolous but, for example, do you feel that you would not have enough opportunity to observe the applicant in order to make an assessment in the way that the officer has done. This is what I have in mind. Or do you think in practical terms that it is possible, assuming that the applicant presents the necessary evidence, presents himself, and so on, for the Board to look at the assessment of the applicant and overrule the examining officer if in its opinion the evidence justifies so doing? This is the point I...

Miss Scott: Of course, it depends on how the assessment is done, and in strict fact I have no real idea how they do the assessment. If you read Schedule A, which is what the assessing officer follows, you will see that it is not as subjective as it appears.

Mr. Lewis: From my experience I would say it is even more subjective than it appears in writing, Miss Scott.

Miss Scott: Perhaps you know more about it than I do.

Mr. Lewis: I do not know. Do you see any difficulty in that? You see, if one makes a suggestion to the Minister he may well be sympathetic to the idea, but I would like to be certain that it is not a wild suggestion. Is there any reason you could not devise rules so the applicant could present himself to you together with all the necessary evidence so that any body, one or more, could make an assessment under the items cited in Schedule A?

Miss Scott: Whether a court of appeal is an appropriate tribunal to do that kind of thing is something that one would have to think about.

Mr. Lewis: How else do you think an assessment by one person could be subjected to scrutiny by somebody else if in this case it is not the court of appeal?

Miss Scott: Perhaps you could have a review tribunal. It is an administrative act assessment, you know.

Mr. Lewis: Pardon?

Miss Scott: Assessment is an administrative act.

Mr. Lewis: I will not enter into a legal argument with you. Miss Scott, is that definite, is that absolute? The man is certainly deciding the interests and perhaps the rights of a person by applying certain norms, and does that not carry some judicial character? Is it purely administrative if I am the applicant and this one man decides my interests and possibly my rights. Does that not contain some judicial character? Is it entirely administrative?

Miss Scott: It is an interesting legal point.

Mr. Lewis: But aside from the legal point, Miss Scott—and I am almost finished since you feel, probably with reason, inhibited from expressing a clear view on this—I am

• 1015

very concerned about the power that is given to one man to make these assessments. Let me give you an example, if I may, to see if I cannot stimulate you into assisting us on the basis of the experience of the Board. I had a case where the first examining officer gave a young fellow, who looked to me like a soft-spoken, decent, young man, five points under personal assessment and I just could not understand it. I said to the Special Inquiry Officer, "Here he is, he is before you". The Special Inquiry Officer said, "I cannot put my opinion in place of the officer's. I cannot say anything about it". As I knew your Board would not do anything about it I said, "Perhaps you can have him reassessed by somebody else". So, he did and the other fellow gave him eight points. That is a tremendous proportional increase, from five to eight. One fellow found him almost twice as good, as far as his personal assessment is concerned, as the other. There have been many cases like that.

I know of a case where a person was assessed at one point in Canada and received 35 points. The exact same person applied at another point in Canada and was reassessed and received 70 points. This is a fact. I think these instances prove the extent to which the assessment is purely subjective or, if not purely, is largely subjective. It seems to me undesirable to have that situation and leave it in its final form in the hands of one man. In order to be fair to the applicant we have to find some way of having that man's judgment tested by somebody else.

Miss Scott: Is this not more appropriate with respect to the internal workings of the Department of Immigration, which has nothing to do with the Board?

Mr. Lewis: You think, therefore, that some form of review should take place before it reaches the Board rather than at the Board level?

Miss Scott: I am not expressing any opinion at all. It is up to Parliament to discuss this, but I think it is something that would be more appropriately discussed with the officers of the Immigration Department than with me.

Mr. Lewis: I think I appreciate that. Thank you very much.

The Chairman: Thank you, Mr. Lewis. Mr. Alexander.

Mr. Alexander: Perhaps Miss Scott still has in mind the case that we just handled in the Ontario Human Rights Commission. There was a big hang-up of the judges in that matter and I do not think she would care to put herself in the same position, Mr. Lewis.

Mr. Lewis: I was not trying to put her in that position. I thought there might be something you could help us with on the basis of the Board's experience, but I entirely appreciate your reasons for not wanting to express a view on that.

The Chairman: Mr. Dumont?

[Interpretation]

Mr. Dumont: If you will allow me, Mr. Chairman, this definitely has to do with the Standing Orders.

I have another Committee to go to, Agriculture. If my information is right, there are only two Committees today. As there are members who are on two Committees, and as we are not the Holy Ghost and as we cannot sit at two places at the same time, I wonder whether we couldn't see to it that the two Committees not be held at the same time? I have to withdraw to go to the other Committee, since both Committees are meeting at 9:30 a.m. This is a problem, and in order to encourage a sound, democratic operation, we wish to point out the usefulness of studying the problem.

The Chairman: I'm sorry: if you have questions to put, this morning, to Miss Scott, you could speak after Mr. Knowles.

Mr. Dumont: Thank you. I would have liked to attend the whole sitting, but I have

to go to the Committee on Agriculture. I was merely asking about that. For instance, the Committee on Agriculture could have met at 3:30 p.m. So, I was wondering whether some arrangement couldn't be made between the Chairmen, especially when there are only two Committees.

The Chairman: Yes, I understand. But it is very difficult.

Mr. Dumont: Thank you.

[English]

The Chairman: Mr. Knowles is next.

• 1020

Mr. Knowles (Norfolk-Halldimand): Thank you, Mr. Chairman. I would first of all, from personal experience, like to compliment the Appeal Board on the humane and compassionate way in which you conduct your hearings and say how much you put persons who come before your Board at ease. I saw you in action on one or two occasions.

I was wondering, and this is for information only, if your Appeal Board hears appeals of immigrants who have been refused admission to Canada as visitors or landed immigrants. They are in their own land, have made application to come and have been turned down. Do you hear appeals in this connection?

Miss Scott: No, Mr. Knowles, we have no jurisdiction.

You are directing your mind to somebody who has never been in Canada?

Mr. Knowles (Norfolk-Halldimand): That is right.

Miss Scott: No.

Mr. Knowles (Norfolk-Halldimand): If they have made application to come and they have been turned down for one reason or another, is there any recourse?

Miss Scott: If they have a relative here who is a Canadian citizen . . .

Mr. Knowles (Norfolk-Halldimand): Yes.

Miss Scott: . . . and they are close relatives, that Canadian citizen residing in this country can appeal. That is a sponsorship appeal.

Mr. Knowles (Norfolk-Halldimand): Right.

Miss Scott: But a person applying as an independent applicant outside the country who is not here and never has been here, has no appeal.

Mr. Knowles (Norfolk-Halldimand): But the relatives living in Canada have the right to appeal to find out why or whether there is any other action that can be taken to bring their relatives out.

Miss Scott: Yes, but the persons who can appeal at the moment are quite restricted by Order in Council. The relevant section is Section 17 of the Immigration Appeal Board Act. By Order in Council the only persons at the moment who can appeal are Canadian citizens in respect of close relatives. That would be direct ascendants or descendants.

Mr. Knowles (Norfolk-Halldimand): Yes.

The Chairman: Miss Scott also has the figures of how many cases were heard in this category.

Miss Scott: We have one sponsorship appeal pending out of a total of 752 for 1969, and we have heard about four out of the total number.

Mr. Lewis: Mr. Chairman I have a supplementary. You said "Canadian citizen" Does it have to be a citizen or can it be a Canadian resident?

Miss Scott: Citizen. This is by Order in Council.

Mr. Lewis: By Order in Council they must be a citizen.

Miss Scott: They must be a citizen.

Mr. Knowles (Norfolk-Halldimand): That is all, Mr. Chairman. Thank you, Miss Scott.

The Chairman: Next is Mr. Badanai.

Mr. Badanai: Miss Scott, since the inception of the Board about two years ago what have been the more prevalent reasons for rejecting applicants?

Miss Scott: I cannot answer that.

Mr. Badanai: You cannot.

Miss Scott: No. Each case is decided on its merits.

Mr. Badanai: In other words there are various reasons, each one different from the other, but you cannot give the prevalent ones.

Miss Scott: No. The general reason is that they do not fall within the wording of Section 15.

Mr. Badanai: I realize that but there must be some specific reasons for rejecting the appeals.

Miss Scott: They do not come within the specific wording of Section 15.

Mr. Badanai: Have you ever had any appeals from so-called draft dodgers or deserters who happen to enter the country and then appeal against deportation?

Miss Scott: As I explained earlier, yes, we have had. But they were not deported because they were draft dodgers or army deserters.

Mr. Badanai: And were these appeals turned down in every case, or have you approved any?

Miss Scott: Some, yes. If the merits warranted it being approved, yes. Some not.

Mr. Badanai: I see.

Miss Scott: There is no policy. . .

Mr. Badanai: You could not give us then the approximate number of appeals of this type?

Miss Scott: No, I do not have those statistics. As a matter of fact, we do not keep statistics on various grounds.

Mr. Badanai: I understand that in reply to Mr. Lewis' questions that you would not care to give an opinion whether some changes would be desirable in the Act to facilitate the work of the Board. In your own mind, should there not be some changes in the Act?

Miss Scott: In our Act, the Immigration Appeal Board Act?

Mr. Badanai: Yes.

Miss Scott: Certainly. I think that there are some areas where amendments would be appropriate to clarify certain things, or administrative amendments which would make the administration clear.

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Mr. Badanai: Would you care to tell the Committee where, in your view, changes should be made, and the kind of changes?

Miss Scott: Administrative changes would be necessary of course if the regional board idea were to be approved. Then we would need to amend several sections of the Act to

embody that. As to the sections dealing with the jurisdiction of the Board, I think I would require more thought and more experience before I cared to go on record.

Mr. Badanai: I appreciate that. Of course, I realize your position as Chairman of the Board. I also realize that it is the responsibility of Parliament to make the necessary changes. However, in my view, the Board should have the right to advise the government and to advise the Governor in Council on what changes should be desirable in the light of your experience and the experience of the Board.

Miss Scott: Yes.

Mr. Badanai: Do you not feel that way?

Miss Scott: Yes, I do.

Mr. Badanai: Where would applicants from areas such as Fort William and Port Arthur, Fort William being my constituency, have to appeal? For instance, would they have to go to Toronto or Winnipeg?

Miss Scott: At the moment they would have to come to Ottawa.

Mr. Badanai: To Ottawa from Fort William.

Miss Scott: From Fort William. But we pay their way. There is a means test. If an appellant wishes to attend his appeal and is unable to do so financially the Board will pay the expenses.

Mr. Badanai: That is what I wanted to find out. There are no appeal board sittings in Winnipeg?

Miss Scott: No.

Mr. Badanai: But there is in Toronto though?

Miss Scott: No, not at the moment.

Mr. Badanai: Just Ottawa.

Miss Scott: Ottawa and Montreal.

Mr. Badanai: Do you not feel that Toronto should be one of the major centres for an appeal board to sit?

Miss Scott: I do but we cannot do it. It is a physical impossibility with nine members, because the volume in Toronto is too great. It is the biggest port of entry.

Mr. Badanai: Has the volume of appeals been much greater than you anticipated?

Miss Scott: Well it has certainly increased dramatically. There was an increase of over 200 per cent over the first four months of last year.

Mr. Badanai: I appreciate that. I am really concerned with one phase of this immigration policy—the substantial decrease in the admittance of immigrants to Canada during the past year. I also share the concern of Mr. Lewis in the examiner having so much power in deciding whether or not a person is admissible. That is one of the things that bothers me and many others. Has your Board suggested that this should be changed or modified?

Miss Scott: You see, under the present jurisdiction of the Board it has no power to admit anybody, except indirectly—except in a sponsorship appeal.

Mr. Badanai: Yes, I appreciate that. I would like to see more power given to the Board. I realize that the Board has certain responsibilities. There are some excellent members on the Board whom I know personally. I believe they are imbued with a spirit of fairness and I hope that they will have an opportunity to do even a better job by allowing, under the terms of reference of your Board, more people into the country.

• 1030

I would like to hear from the Board and you, as Chairman, Miss Scott. I have no criticism to offer in the discharge of your duties. You have been very fair, very efficient, and very charming, which of course adds to the point. Would you suggest that an enlargement of the Board would be desirable, say by appointing a Vice-Chairman to meet in various parts of the country to facilitate the hearing of these appeals? The appeals are very numerous. You pointed out there are over 700 at present.

Miss Scott: No, there are 574 pending.

Mr. Badanai: Pending?

Miss Scott: Yes.

Mr. Badanai: How long would it take to deal with such a number?

Miss Scott: Well, the backlog is increasing. The average time required between the filing of the appeal and the hearing is about nine weeks. We cannot conceivably do it any

quicker. That is much quicker, of course, than conventional courts.

Mr. Badanai: Yes, I appreciate that. It seems to me, Mr. Chairman, that the Board should be enlarged to make it possible to meet in various centres across the country, because some of these applicants may have to wait months. In some instances their stay in the country may have expired. This would be rather a hardship.

Miss Scott: This also bothers the Board, Mr. Badanai.

Mr. Badanai: Yes, I understand that.

Miss Scott: But we have done all we can physically do to keep things going quickly.

Mr. Badanai: I agree. I commend you for the work which you have done so far.

Miss Scott: Without more members and a quite substantial increase in the membership, the Board cannot do what you suggest.

Mr. Badanai: Yes.

Miss Scott: This, of course, requires an amendment to the Act.

Mr. Badanai: I appreciate it. Thank you very much, Mr. Chairman.

The Chairman: Thank you, Mr. Badanai. Next, I have Mr. Broadbent. In order to break this kind of increasing anxiety, perhaps someone might wish to ask when Miss Scott intends to put forward the recommendation on these various changes to permit an increase in the...

Mr. Broadbent: I was going to ask that question.

Mr. Lewis: I understood that they have already presented it to the Minister.

The Chairman: Has it been presented?

Mr. Lewis: Yes; I asked Miss Scott and she said they have already presented that.

Miss Scott: It was presented several months ago.

Mr. Broadbent: Miss Scott, I would like to pursue a line of questioning which has already been initiated by others. This is, to me, a very important area of personal assessment. You raised the question of whether or not this is an administrative act or a judicial act. With respect, there is absolutely no doubt

whatsoever that the immigration officer is performing a judicial function. If you look in the Act under "personal assessment," what he is deciding about the potential immigrant is his adaptability, motivation, initiative, resourcefulness and so on. Every one of these categories is highly subjective. You may set up a stipulative definition for each of them, but each one will be a subjective choice on the part of the person who sets up the regulation.

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To give a personal example, I was recently talking with one of the officials who makes such decisions and my suspicion of him is that he had all the sensitivity and human personality that a John Dillinger might have, had in terms of responding empathetically to a man whose character was perhaps a little different from his own. His judgment of adaptability, motivation and so on would differ very significantly from my own. Now, we both think our own judgments are correct. The point is that there is a high degree of subjectivity. It is not only a high degree, but is totally subjective, whether or not one begins with a set of definitions. That is why I think that I would like to pursue the notion of establishing a type of tribunal which would be different from yours, and yet not within the Department. What do you think of having another tribunal which would deal exclusively with appeals based on, say, the personal assessment section, in terms of practical feasibility?

Miss Scott: Again I think that is a problem for the Department of Manpower and Immigration, or the Minister.

Mr. Broadbent: No, I do not think it is at all.

Miss Scott: Surely it is not up to our Court of Appeal to tell the government and the Minister what they should do in that area.

Mr. Broadbent: Well, let me get at it this way. What percentage of cases now come before you in which you find yourself unable to really change the opinion, because you are bound, owing to your interpretation of the law, not to change the personal assessment section? Do you have any idea of those that have already come before you and are primarily concerned with this kind of problem?

Miss Scott: Mr. Helie reminds me that there are not really very many. There are a lot under Regulation 34. A great many of those occur because the individual has taken employment or has applied too late. This falls under other sections. Of course, in those situations, they are never assessed.

Mr. Broadbent: Yes, and you would not have had too many because lawyers would know that you cannot deal with that now. Could this be the reason? Therefore, they would not come to your Board because...

Miss Scott: If they decide not to come before the Board for that reason, I do not think it is a particularly valid one, because there is the Board's discretion under Section 15 in an appropriate case. We might have to dismiss the appeal from law on the grounds that there was nothing manifestly wrong in the assessment and that no bias was proven. However, there still might be grounds under Section 15 to give discretionary relief to the person concerned.

Mr. Broadbent: Please excuse my ignorance on that point. If a case were presented, you said earlier that you cannot change the points. Is that right?

Miss Scott: That is correct.

Mr. Broadbent: But if a case were presented and evidence was brought before you which suggested—to give an example of a man I know who made such an assessment—that his own judgment sometimes was highly distorted, then do you have the legal authority to...

Miss Scott: If it can be shown that his judgment was so highly distorted as to amount to bias, yes.

Mr. Broadbent: This leads into another question. As I understand it, you do not publish your decisions, do you?

Miss Scott: Yes, they will be available at the start of next month. They are now in the hands of the Queen's Printer. There are about 125 decisions which are considered reportable.

Mr. Broadbent: When you appeared before our Committee last fall, you said that you did not.

Miss Scott: It was always our intention to publish, but at that time we were rather bogged down with the main business of the Board. At the present time there will be

mainly legal decisions, but some of these will have the further decision under Section 15 in them. It is only on dismissed and not on allowed appeals in which there is a discussion under Section 15.

Mr. Broadbent: Referring to the difficulty in terms of jurisprudence of having different boards set up in different places in the country, would not that difficulty which was earlier raised by Mr. Lewis be substantially obviated if your decisions are published?

Miss Scott: Not every decision will be published. Mr. Broadbent.

Mr. Broadbent: Why not publish every decision?

Miss Scott: We would be flooded with them. By now, there must be 1,500 decisions. Not all of these are of any particular consequence,

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except to the persons concerned.

Mr. Broadbent: Would it not be a good idea to publish, at least in terms of the importance of a citizen knowing the law in advance? Would it be such a large enterprise to have available to every lawyer anywhere in the country, a statistic, showing that "X" decision was made about "Y" kind of case? Would this not be a very important thing to have made available?

Miss Scott: It would be exceedingly unusual. No court publishes all of its decisions. It would be a colossal job for one thing. It would not be particularly necessary or appropriate.

Mr. Lewis: May I ask a supplementary? I gather you would publish all reasons in cases where reasons were useful?

Miss Scott: And also where there were legal precedents.

Mr. Lewis: Where a legal precedent is involved you would publish, but you would not publish decisions where you simply say yes or no?

Miss Scott: Or if it is what we call a straight section 15 decision, where there is no question about the legality of the order and the appeal is dismissed. That is discretionary; it is not a precedent. So it is really pointless to publish.

Mr. Lewis: Because every case will be dealt with on its facts.

Miss Scott: That is right. The discretionary decisions are not published, as such. But the full judgment is published in a case which we consider sets a legal precedent.

Mr. Broadbent: What about the case where you go against the judgment of an immigration officer, where bias, in some sense, has been shown?

Miss Scott: That would be a legal decision. We would allow the appeal.

Mr. Broadbent: And would you publish in that instance?

Miss Scott: Yes that would certainly be a precedent.

Mr. Broadbent: Have you had such a situation?

Miss Scott: Not to my knowledge, no. I have never had before me a case in which bias was even sought to be proved.

Mr. Broadbent: Is that not rather extraordinary?

Miss Scott: The vice-chairman may have had some but I have had no personal knowledge of any. I think I would know if I had had one.

Mr. Broadbent: Because in terms of the law I take it it would be extremely difficult to prove?

Miss Scott: Bias is very hard to prove.

Mr. Broadbent: Now if we as legislators wanted to deal in some appropriate way with this problem we would have to find some way of getting around the personal bias question by setting up some other kind of tribunal?

I will leave it at that.

The Chairman: Thank you.

Mr. MacGuigan: Mr. Chairman, in a somewhat different context I will begin by following up a point which Mr. Knowles raised. Is there any way at present, Miss Scott, whereby cases involving people outside the geographical borders of Canada can be considered by your Appeal Board?

Miss Scott: Persons who have come across the American Border, for some reason are ordered deported—it is easier and better for them to return home. They can come back on an order of the Board, occasionally. We quite often issue these orders. In fact, they are

almost automatic, on an application being filed. Very seldom do the people come—but they can come—for the hearing of their appeal.

Mr. MacGuigan: Yes.

Miss Scott: But that is the only case.

Mr. Lewis: Can the appeal be launched while they are here.

Miss Scott: The appeal is launched while they are here. They have been physically in the country—at a border point.

Mr. MacGuigan: Would their launching of an appeal involve their having had a stay of some length in Canada?

Miss Scott: No, they launch it immediately. They are ordered deported after an inquiry, on a further examination, and they are given the appeal forms by the special inquiry officer. They file the appeal right then and there. That protects their appeal—the minute they serve that on him. Then it is up to them. If they have somewhere to go, the border officer sometimes permits them to come in, pending the hearing of the appeal. More often than not, I suspect, they go back. But they can come back across the border from the United States only for the hearing of their appeal.

Mr. MacGuigan: The cases I primarily have in mind are those in which a person outside is seeking to enter Canada and might be denied entry at a Canadian border point. I suppose you could say he is in Canada, but there certainly would be no deportation order against him?

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Miss Scott: He has to be deported.

Mr. MacGuigan: Does there have to be an order of deportation.

Miss Scott: Yes.

Mr. MacGuigan: Even if he walks across the Ambassador Bridge?

Miss Scott: Unless he walks back before he is examined he would have to be deported.

Mr. MacGuigan: If he is physically in the country at all...

Miss Scott: If he is physically in the country and is ordered deported on any grounds he can appeal right then and there.

Mr. MacGuigan: I understand.

Mr. Lewis: If he leaves voluntarily.

Miss Scott: If he leaves voluntarily, surely.

Mr. Lewis: If he does not leave voluntarily he has to be deported. He can say, "I will not go."

Mr. MacGuigan: How quickly is the order of deportation made against him in those circumstances?

Miss Scott: As quickly as possible; it is in the Immigration Act.

Mr. MacGuigan: Yes, but in terms of days, or minutes?

Miss Scott: I can only talk from examining files that have come before us. In general there is not a very long delay. At ports of entry it is usually immediate—a day, or a couple of days, after.

Mr. MacGuigan: Would the person be permitted to stay at a hotel in the meantime, or would he have to stand there?

Miss Scott: Whether or not he is detained is at the discretion of the special inquiry officer. He may be permitted to enter, to a specific address, and report himself.

Mr. MacGuigan: But at least he would not be compelled to stand at the border point for the intervening period?

Miss Scott: No; I do not think he is kept standing for hours on end.

Mr. MacGuigan: This is not a right which accrues in any way to people from other countries? This example might apply to an American deserter who was turned down at the border and refused to leave. He might in this way get this case before you.

There are also those who, it may be alleged, have been convicted of crimes of moral turpitude in, say, a European country. I would hazard the guess that the determination of what is a crime of moral turpitude is a somewhat delicate one in some cases. Is there any way by which such a person could get his case before you?

Miss Scott: If he is physically in the country and is found by the special inquiry officer to have committed a crime involving moral turpitude he has an instant right of appeal.

Mr. MacGuigan: Yes. But there is no way in which he can have a case of that kind

brought before you by applying as an immigrant from a European country?

Mr. Lewis: Unless he is sponsored.

Miss Scott: Unless he is sponsored; or unless he has the price of a ticket and comes to Canada and applies again.

Mr. MacGuigan: Do you know of any country that has facilities enabling people who are not physically in that country to make...

Miss Scott: There is no country that I know of that has the facilities we have, whereby a person coming into this country and ordered deported on any grounds has an absolute right of appeal.

Mr. MacGuigan: I suppose I am suggesting something even broader than that. Because instead of just travelling around Canada he might well be travelling around the world...

Miss Scott: What a nice thought!

Mr. MacGuigan: I think this is an area in which some consideration might be given to allowing a more comprehensive right of appeal to others who are seeking admission.

I also wanted to raise the point about the review in the first instance. I believe this is by the Department itself before matters come to you. After an individual immigration officer has made his decision there is a departmental review. I am not clear whether this is a fact-finding review or is of a judicial character.

Miss Scott: Do you mean a decision to deport?

Mr. MacGuigan: Yes, a decision to deport, for example.

Miss Scott: No; what happens is that an immigration officer makes a report—or it may be anybody; it depends whether they come under Section 23, or Section 19—but a preliminary report is made. Then a special inquiry officer holds the inquiry under the Immigration Act, and he can only do one of two things—either deport or allow to remain. If he deports, he issues the order of deportation immediately, and the person appeals immediately; under our present rules he must appeal within 24 hours. The inquiry officer then loses jurisdiction. The Board has jurisdiction. There is no further review. It is out of the hands of the Department of Manpower and Immigration. The person falls within the

jurisdiction of the Board. There is no review that I know of within the Department.

Mr. Broadbent: Miss Scott, may I ask a supplementary? Is the potential immigrant in this case immediately informed that he has the right to appeal?

Miss Scott: Yes. Usually this is right in the record. They are particularly careful about that. Indeed, they must do it under the inquiries regulations.

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Mr. Lewis: And they do it right away?

Miss Scott: Yes; and we have a small pamphlet in about eight languages, some copies of which I sent you, I think. These are given to the persons concerned to assist them.

Mr. Lewis: I have one supplementary which should clear it up. Once an order of deportation is issued then the jurisdiction leaves the Department and comes to you.

Miss Scott: No, once the appeal is perfected.

Mr. Lewis: As well, yes.

Miss Scott: Filled in and filed.

Mr. Lewis: Yes, but there could be a review by the Department before the order of deportation.

Miss Scott: Yes, it is still within the departmental jurisdiction then.

Mr. Lewis: You can get the Minister presumably to overrule the initial examiner before the order of deportation is issued.

Mr. MacGuigan: Have you considered the advisability of setting up a second level of appeal within your own court. That is, rather than having a court which is divided into a number of geographical divisions, as I gather you were suggesting earlier, having that as a first appeal and having a higher appeal board in Ottawa with jurisdiction over all of these local appeal boards. This is like the traditional legal way of higher courts keeping control over what happens in the lower courts and would not involve the same necessity of the chairmen going on circuit routes.

Miss Scott: We have under our present legislation no power to do that.

Mr. MacGuigan: No, but you are making suggestions for changes in your present legis-

lation. I am asking if you have thought of making this change? Do you think the volume of business does not yet warrant taking this larger step?

Miss Scott: I do not think I could answer that. One thing to bear in mind though is that the appellants now have considerable rights. They have the right of appeal.

Mr. MacGuigan: Yes.

Miss Scott: Which is an enormous right compared to the situation in other countries or as it was here years ago.

Mr. MacGuigan: I am not suggesting this only from the viewpoint of the appellant, I am also suggesting it from the viewpoint of your own method of administration. This could be one way in which you would keep control through a central court, through a higher court, of the regional courts.

Miss Scott: It is certainly an interesting suggestion, Mr. MacGuigan.

Mr. MacGuigan: Finally, I want to come to the question of the humanitarian area. You said that all these cases are decided on their own merits and it may be too early in your experience with the Board to be more specific about what standards may be evolving to help you exercise your discretion. Could you give us indications of some of the kinds of cases in which you found on humanitarian grounds that the person should be allowed to stay in Canada.

Miss Scott: No, because I think it is unsuitable really to indulge in hypothetical discussions. The easiest way to reach any conclusions would be to read the reasons for judgment.

Mr. MacGuigan: We will have that privilege, of course, when they are finally published, but I had hoped for some guidance before that time.

It is true that even in bodies which have begun with a wide discretionary power they normally evolve some standards of the exercise of their discretion over a certain period of time. This happened in the courts, for example, on equity and it has happened in a great many cases.

Miss Scott: I think it will inevitably happen, but it is something I would like to avoid because inevitably, as happened in the courts of equity, it narrows down your jurisdiction.

Mr. MacGuigan: Yes. To follow this into one particular area and taking a slightly different tack from Mr. Broadbent, who was following up the question of exploring the bias of an officer when someone wanted to challenge what had happened in the point giving process at an earlier stage, I understood you to say that you had discretion on humanitarian grounds to allow the person to remain even though legally he might not have the required number of points. I suppose it would be open to an appellant at that stage either directly or through his counsel to show that he had a good many qualifications which would not appear to have been taken into account by the examining officer; that is, a reasonable personal assessment of him would result in a very favourable assessment. In effect, you might indirectly remake the decision which had been made by the examining officer as part of your consideration on humanitarian grounds.

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Miss Scott: Only if he falls within the various sections of Section 15.

Mr. MacGuigan: What are the limitations of that?

Miss Scott: Section 15, a person who is not a permanent resident.

Mr. MacGuigan: Yes.

Miss Scott: It refers to, that he will be punished, it gives the Board power to give special relief if the Board is reasonably satisfied that he will be punished for activities of a political character or will suffer unusual hardship if he is returned to his home country, or if he is able to prove the existence of compassionate or humanitarian considerations.

Mr. MacGuigan: Yes, it was the compassionate or humanitarian considerations that I was referring to. Suppose someone has been given eight points and on the basis of his qualifications he could reasonably have been given 15 by way of personal assessment. I suggest this would be a factor in your consideration on humanitarian grounds, would it not?

Miss Scott: It depends on how you define the word "humanitarian."

Mr. MacGuigan: That is the question I am asking you.

Miss Scott: I would prefer not to answer that because we have avoided defining compassionate and humanitarian. They are very wide, admittedly.

Mr. MacGuigan: Yes.

Miss Scott: I suggest they would include something rather more than you have indicated.

Mr. MacGuigan: In addition to this fact, yes.

Miss Scott: Yes, it might be a factor.

Mr. MacGuigan: Yes, that is all I was suggesting, this might be a factor.

Mr. Lewis: Could I ask a supplementary? Could I put a hypothetical question to you, based on a case, which you might feel you can answer. Suppose a person has experience and skill in two areas and the examiner gave him points on one of those areas only and he came before you and said, "I have been given points on area A, "x" points, very low points, but I told the examiner that I also had skill in area B and he ignored it." Would that be a case one might argue was either an unreasonable action by the examiner, which no reasonable person ought to take, or alternatively, that it fell under the humanitarian considerations?

Miss Scott: In a case of that kind, I think it would be appropriate to argue anything that occurred to you. The Board has on occasion sent a case back for reassessment. It cannot change the assessment, but it might stay the order and send it back or adjourn the hearing and send it back.

Mr. Lewis: The same way that a special inquiry officer could?

Miss Scott: Yes.

The Chairman: Mr. MacGuigan?

Mr. MacGuigan: Would that reassessment then be by the same officer or would it have to be by a different officer of the Department?

Miss Scott: The Board has put that in its order. We have not done it very often, but it has been done on appropriate grounds.

The Chairman: Are there any further questions on those grounds? Thank you, Mr. MacGuigan. Mr. Broadbent.

Mr. Broadbent: Yes, if I could just follow up one point raised by Mr. MacGuigan. You

indicated in your answer, Miss Scott, that under Section 15 you have the discretion to stop the deportation of an individual who may be sent to jail by his own country for political reasons. Is that correct?

Miss Scott: Will be punished for activities of a political character.

Mr. Broadbent: Will be punished, not just may be, but will be. Does this mean that even if under the point system he does not have his 50 points you could reach this decision?

Miss Scott: Certainly.

Mr. Broadbent: Then take the current example of deserters, where an individual may not have his 50 points, but clearly in terms of American law would be sent to jail when he goes home.

Miss Scott: Is it an activity of a political character? This is something that requires proof. In other words you have the two elements: punishment and activities of a political character.

Mr. Broadbent: That is right. How would you interpret this situation? I would certainly see this as a political decision of a fundamental kind.

• 1100

Miss Scott: This is open to the appellant to prove, if he can. We have had this in cases not relating to the American draft dodgers where we had expert evidence that the activity was an activity of a political character and that the man was certain to be punished or reasonably certain to be punished. It is up to the appellant to prove that. He has the burden of proof; it is not up to the court to go nosing about finding or making up grounds. We often do this, as a matter of fact, particularly with lay appellants who are alone, with nobody to help them. The Board does their work as well as its own.

Mr. Broadbent: I am not sure if we are seeing eye to eye on the nature of what the problem here is. I am saying that a law whether such a law exists in the United States, Canada, Czechoslovakia or wherever, which requires people to serve in the military forces of their country is a political law, in my use of the term, as opposed to a law which forbids people from stealing.

Miss Scott: Politics relates to the science of government, you know. The definition of the

word "politics" is the science of government. You should know that.

Mr. Broadbent: Yes, and I know there are many other definitions of politics, too. Right?

Miss Scott: That is the dictionary definition. It is an activity relating to the science of government.

Mr. Broadbent: Right, but dictionaries change from period to period.

Miss Scott: It is not a term of art; it is used in the Act as a word, which throws you back to the ordinary dictionary meaning.

Mr. Broadbent: And this is how you reach your decisions?

Miss Scott: We have to define the words of the Act giving us our jurisdiction.

Mr. Broadbent: But you take the definition from a dictionary?

Miss Scott: If it is not a term of art, in analysing a statute you use the dictionary meaning of the word.

Mr. Broadbent: I want to be quite clear about this.

Mr. Lewis: You are seeking a lecture in elementary law for free.

Mr. Broadbent: With all respect, Mr. Lewis, as you people can say, that is not what I am involved in. If a man can show that he is going to be punished for political reasons, in whatever country, I take it from what you said before that this could be the legitimate grounds of an appeal.

Miss Scott: They bring themselves right within Section 15.

Mr. Broadbent: What I am interested in is, in fact, how you, how your court defines "political grounds". What I tried to suggest is one kind of distinction: a law in a country that forbids people from stealing is not, as I would use the term, a political law or a political offence. But if you break a law which says that you must serve in the armed forces of a country, that is, in fact, a political law; it is the society which decides. In other words, every citizen has a political obligation to his country. But I take it that you would not so define it.

Miss Scott: I do not propose to answer that. But it certainly would not fall within the dictionary meaning of the word "political".

Mr. Broadbent: It just shows the inadequacy of most dictionaries; that is all.

Mr. Lewis: May I follow it up perhaps in different terms, and I do it seriously. Suppose the appellant who was a deserter appeared before you and produced evidence of the fact that he participated in active political opposition to the war in Viet Nam as being a wrong thing for his government to undertake and that therefore, as a citizen of the United States, he participated in political activity in opposition to that war, and as a result of that he opposed participating in that war. If the issue were put to you in those terms, with evidence of his political activity against his government's action in the war...

Miss Scott: And proof that he was going to be punished for that political activity.

Mr. Lewis: And proof that he was going to be punished for that political activity in opposing the Viet Nam war, as distinct from being merely a deserter.

Miss Scott: I think you would have a different situation there from the person who is simply evading the general law of the country requiring military service.

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Mr. Lewis: That is what I thought.

Miss Scott: The United States is by no means the only country that has universal military service. This is common to most countries.

Mr. Prud'homme: If the appellant says, "If I am deported, the first thing that is going to happen to me when I get back to my country is five years in jail" and asks the court to stay in Canada on humanitarian grounds, what would then be the decision? Have there been any decisions of that kind so far?

Miss Scott: I would have to rely on my memory for that and I would prefer not to.

Mr. Prud'homme: I would be afraid to go along with Mr. Broadbent. That would mean that any student or any organizer of any movement—or the case that you have in mind of opposition to the Viet Nam war, for instance—could come to Canada and say he is now facing a severe repression in the United States if he goes back. I would hesitate a great deal before saying that such persons should all be admitted to Canada.

I did not say I would refuse; I said I would hesitate.

Mr. Broadbent: May I come in on a supplementary statement. That would not be the exclusive reason that you would admit him—at least if I were in that decision-making position—but that would be something that could not be used against him. A law which led to this could not be used against him but would count in some sense in his favour, I would say.

Mr. Prud'homme: You prefer not to answer, I suppose? You said that...

[Interpretation]

You don't remember the handing down of decisions of that sort on that day?

Miss Scott: No.

Mr. Prud'homme: Might I ask you if a case like that would come before you, because I think soon we're going to have a great many appeals from deserters that won't meet the criteria established by the Department of Immigration, which will be announced this afternoon. They probably won't meet the requirements of the Immigration Act and certainly there will be appeals.

Miss Scott: Yes.

Mr. Prud'homme: They'll have no alternative but to ask the Board to grant them—I don't like the term asylum—a landed immigrant status for "humanitarian reasons".

Miss Scott: That would depend on the individual merits of each case.

Mr. Prud'homme: That's very interesting. But there will be no general rule for "humanitarian reasons". Obviously because all cases will probably be very similar.

Miss Scott: That may be, but...

Mr. Prud'homme: Because they will lack certain points to qualify as landed immigrants, they will have no alternative but to go to the Appeal Board.

Miss Scott: That's right, but nonetheless each case will be examined on its merits. The Board does not have a pre-established policy.

Mr. Prud'homme: No, I agree. In concluding, and to come back to the question our colleague and friend, Mr. Lewis, raised.

Mr. Lewis: A friend is more important than a colleague.

Mr. Prud'homme: In my case, yes. The Appeal Board think it is not within its powers to review the judgment of the first Immigration Officer who decided on the allocation of a certain number of points.

Miss Scott: No.

Mr. Prud'homme: But on the other hand, in your final decision, you can take into account the fact that within the point system, the Board naturally sees the number of points granted to an immigrant...

Miss Scott: Yes.

Mr. Prud'homme: When you reach a favourable decision, is the point system or the lack of points also taken into account?

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Miss Scott: We consider all the facts.

Mr. Prud'homme: All the facts are taken into consideration without necessarily saying so in the decision, because in my view, there is an omission here, you do not reach a decision...

Miss Scott: It may be one of the factors contained in Section 15, perhaps because it is a fact, one of the facts.

Mr. Prud'homme: A point that has not been clarified, i.e. the 5 and 4 point system, why 4, what is it all about? It has never been explained here, and I think it would be wise to clarify this. Is the Board aware that 5 points are given for the knowledge of a language when the candidate has a university degree, but he gets 4 points if he knows the language but does not have a university degree.

Mr. Lewis: That's rather sad, isn't it?

Mr. Prud'homme: I would readily agree with you on that.

Mr. Lewis: If he has a university degree and speaks only English or French.

Mr. Prud'homme: No, I agree with you.

Mr. Lewis: And he reads and he speaks the language perfectly.

Mr. Prud'homme: Do you want me to repeat that I agree with you?

[English]

Mr. Lewis: May I follow this up? As a matter of fact, the point which I was discus-

sing with you. Miss Scott has now been forgotten, even though it was the most important. In Regulation 32 where the examining officer is given discretion, the paragraph says that notwithstanding that the person has not received the required number of points the examiner may still admit him—and I am paraphrasing—if he is convinced that the person would make a good Canadian.

Miss Scott: This would have to come from an applicant who is outside Canada.

Mr. Lewis: Not inside at all? What do you think of the suggestion that the Appeal Board be given the authority and jurisdiction to have a similar discretion? In other words, you are not asked to change the assessment, nor to alter the number of points which was given to the man, but you are given discretion similar to what the examiner has outside Canada to say, having observed the applicant and having looked at all the evidence—not on humanitarian grounds—that despite the fact that the man or woman has not met the required number of points, it is your judgment that he or she would make a good adjustment in Canada, and therefore you could reverse the decision of the examiner.

Miss Scott: Again, that is a matter of government policy.

Mr. Lewis: That would not create any very great difficulty for the Board. Aside from policy, and solely from the point of view of the Board, there is no reason why that could not be administered by the Board if Parliament gave that kind of discretion. Is that correct?

Miss Scott: As I told you before, the Board and any court can deal with the law as it exists. If the law changes, the court must administer it, whether or not it is difficult.

Mr. Lewis: I am not succeeding in getting your support for a suggestion that we make you the Minister. You are just too wise, Miss Scott.

[Interpretation]

Mr. Prud'homme: Madam, you said a moment ago that there is an increasing number of appeals.

Miss Scott: Yes, that is correct.

Mr. Prud'homme: I'm afraid that the immigrants we are trying to help have to suffer painful experiences. According to what I have noticed during the past years, I now wonder whether we could not come to the conclusion

that there is an abuse on the part of certain legal advisers who encourage people to appeal. Have you noticed, as Chairman, that there is a repetition from certain groups, I am referring to Montreal in particular which I know best. I cannot speak for Toronto. The legal fees are quite high and, unfortunately, in certain cases people are encouraged to appeal, although they have no chance of winning an appeal. I shall give you an example of what existed a few years ago. Someone from the Divorce Court told me about a certain number of abuses: it is always the same groups, the same associations, the same people, the same witnesses who come to the Court in divorce cases. This was reported to me and I checked it. I think we may conclude that there are abuses on the part of certain legal advisors, not to say certain lawyers, by encouraging immigrants to lodge appeals by

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saying to them: "Well, at least you will be able to stay 4, 5, or 6 months more in Canada before your case is finally heard, because I think your case is good, and therefore, you will be allowed to remain here during that time."

As a judge, have you been able to notice anything of this nature?

Miss Scott: I have not noticed that there were any such abuses.

Mr. Prud'homme: But what could be the reason for this sudden and continuing increase? Is it...

Miss Scott: I think it is due to publicity. I really can't say though, although I believe that now, since a year and a half, people are aware that there is an independent court, that people have the right to appeal and that it is worthwhile lodging an appeal.

Mr. Prud'homme: Does the Court prefer that witnesses for appellants be lawyers or is there any objection...

Miss Scott: No.

Mr. Prud'homme: It does not prevent that?

[English]

Mr. Lewis: If I may say so, Mr. Prud'homme, there are cases, in which the person himself insists.

I had a case, not as a lawyer, but as a Member of Parliament—and I do not have to tell you that I do not charge any fees—of a fellow who broke the regulations by taking

employment and he was ordered deported. He also had fewer points. He came to see me through a friend, and I told him it was an absolute waste of money to appeal. The money concerned was his trip from Toronto to Ottawa and back again. However, he had a job and was making good money so he insisted that he wanted to take the chance. Of course, the appeal was lost.

In my experience, there are many such cases. It is very hard to persuade them that they should go home and apply from there. In that situation, they would get additional points if they had a job in Canada, which he had. However, they are here and they insist that they want to go to the highest court.

Miss Scott: They have the right of appeal.

Mr. Lewis: Yes, and they want to go to the highest court.

Miss Scott: This is why I think the abuse which Mr. Prud'homme speaks of is not very noticeable because they have an absolute right of appeal and they might as well exercise it. With our wide discretionary powers nothing is predictable and they may bring something to the attention of the Board which would bring them under Section 15.

Mr. Lewis: They hope, anyway.

Miss Scott: It is their right to try. It is only where there are big and difficult legal arguments that we like to have the assistance of a lawyer for the appellant. The Board has never insisted that an appellant get a lawyer. In fact, some of the best pleas I have heard are by laymen, either the appellant himself or a friend who came in to help him.

Mr. Broadbent: Mr. Chairman, I would like to go back to what I think is of more fundamental importance. This is the possibility of a successful appeal being launched on political grounds. If I understood you correctly, you take your definition of "political grounds" from the dictionary definition of "politic" and...

Miss Scott: This is a standard practice in interpreting statutes. If the term is not defined in the statute so that it becomes a term of law...

Mr. Broadbent: At present, it is not defined in the statute?

Miss Scott: It is not at present defined in the Act.

Mr. Broadbent: I am not a lawyer, but in terms of international law, following the Nuremberg trials and statements by the

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United Nations, have definitions not been given of political crimes in terms of international law?

Miss Scott: There would have been in the Nuremberg Trials, of course. Presumably they would have had to. However, I do not know the terms of reference, you see. The Nuremberg Trials is *hors concours* law that would be binding on a Canadian court. They were under special terms of reference.

Mr. Broadbent: As a Canadian court, which your body is, you do not consider international law in this kind of question?

Miss Scott: We could. It would be a persuasive power, presumably.

Mr. Broadbent: So a lawyer, in fact, could make references to international legal decisions in terms of definitions of political crimes?

Miss Scott: Yes, definitely. It would be a persuasive influence, certainly.

Mr. Broadbent: The American example does come to my mind now because it is something that we as Canadians are confronted with; this whole question of deserters and draft dodgers. Of course, it would hold for Czechoslovakians and for other countries, and would have held for Germans who deserted the German army in the nineteen-thirties or deserters from the Italian army to take sort of obvious examples, in the nineteen thirties and forties.

It seems to me that what has come out of today's meeting is a very important question in terms of Canadian law. There is a possibility to take the American draft dodgers, of really launching a serious legal appeal on their behalf of their being susceptible to criminal political punishment if they return home, which in terms of my stipulated definition of a political crime at this point—I will not elaborate—I could well argue that Canadian law should so regard them.

If this is a possibility then maybe in terms of our law we should make it clear what a political crime consists of to aid you people in making your decisions, rather than having you rely on what I would regard to be grossly

inadequate dictionary definitions of such subjects.

Miss Scott: Of course, one way you can do this is to make the various words used in Section 15 terms of art, so that the definition is spelled out right in the statute and then the Board would find on that.

Mr. Broadbent: Yes, that is what I am getting at.

Miss Scott: There are arguments against that, because you may make the jurisdiction narrower than you intend.

Mr. Broadbent: Yes, but the other argument, though, is that you rely on dictionary

definitions which may be much more restrictive or bound in terms of time. For instance, "politics is the science of government". Most political scientists would no longer regard that as an acceptable definition of politics. Aristotle may disagree with them. The dictionary gives us a definition which is 100 years old or 2,000 years old and which is not very relevant, perhaps, to our moral requirements. However, I will leave that, Mr. Chairman.

The Chairman: Thank you, Mr. Broadbent. There are no further questioners, so this completes our Order of Reference. This meeting stands adjourned to the call of the Chair. Thank you, Miss Scott. Thank you, gentlemen.

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